NWT PROTECTED AREAS STRATEGY

A Balanced Approach to Establishing Protected Areas in the Northwest Territories

Prepared by
The NWT Protected Areas Strategy Advisory Committee

100-05137/

Northwest Territories
Protected Areas Strategy

The Government of Canada and the Government of the Northwest Territories recognize the need to protect areas which are unique in terms of their environmental, geological, cultural or historic features.

This Protected Areas Strategy (PAS) promotes a balanced approach to land use decisions by incorporating the best available traditional, ecological, cultural and economic knowledge. It is consistent with all land claim, treaty entitlement and self-government agreements.

Responsibility for implementing this Strategy will be shared by the federal and territorial governments working in partnerships with communities, regional organizations and land claims bodies.

Congratulations to the members of the PAS Advisory Committee who developed this Strategy. The framework they developed will benefit future generations in the Northwest Territories.

_____

The Honourable Robert Nault
Minister of Indian Affairs and Northern Development
Government of Canada

(Government of Canada Logo)

_____

The Honourable Stephen Kakfwi
Minister of Resources, Wildlife and Economic Development
Government of the Northwest Territories

(Government of the NWT Logo)

The Northwest Territories Protected Areas Strategy (PAS)
is dedicated in memory of:

Nelson Green, (1948-1999),
a champion of Inuvialuit culture, traditions, language
and harvesting rights,

and to

Ron Seale, (1941-1999),
who devoted his professional and personal life
to preserving our wild spaces and parks.

Both men shared this vision with the other members of the
PAS Advisory Committee and many northerners:

May the land and water remain special places...
May the caribou always run wild...
May there always be special spaces...
Set aside for the unborn child.

TABLE OF CONTENTS

TERMINOLOGY iv

CONTEXT 1

PRECEDENCE OF LAND CLAIMS AGREEMENTS, ABORIGINAL/INHERENT AND TREATY RIGHTS 1

THE BROADER CONTEXT - HOW DO PROTECTED AREAS FIT WITH OTHER LANDS? 1

SECTION A: POLICY, FRAMEWORK AND PROCESS 2

1.0 PROTECTED AREAS STRATEGY FOR THE NWT: POLICY 2
1.1 Why Have Protected Areas? 2
1.2 What Is a Protected Areas Strategy? 4
1.3 Why Do We Need a Protected Areas Strategy? 4
1.4 What Will a Protected Areas Strategy Do? 4
1.5 Who Will Benefit from this Strategy? 5
1.6 Who Prepared this Strategy? 5
1.7 How Will this Strategy Be Implemented? 7

2.0 SETTING THE DIRECTION: FRAMEWORK 7
2.1 Vision and Goals - Our Common Purpose 7
2.2 Principles - What General Rules Should Guide The Development of a Protected Areas Strategy? 10

3.0 IMPLEMENTATION - GETTING THE JOB DONE: PROCESS 12
3.1 Step 1 - Identify Priority Areas of Interest 13
3.2 Step 2 - Prepare and Review Protected Area Proposal at Regional Level 13
3.3 Step 3 - Review and Submission of Proposal for Consideration as Candidate Protected Area 14
3.4 Step 4 - Consider/Apply Interim Protection to Candidate Area 15
3.5 Step 5 - Evaluate Candidate Area 15
3.6 Step 6 - Seek Formal Establishment of Protected Area 16
3.7 Step 7 - Approve and Designate Protected Area 16
3.8 Step 8 - Implementation, Monitoring and Review of Protected Area 17

SECTION B: ACTION PLAN - INITIATIVES AND PARTNERSHIPS 18

1.0 ESTABLISHING BASIC BUILDING BLOCKS: INITIATIVES 18
1.1 Protected Area System Plans 18
1.2 Protected Areas in the Marine and Freshwater Ecosystems 18
1.3 Review Territorial Conservation Mechanisms 19
1.3.1 Parks Guidelines 19
1.3.2 Critical Wildlife Areas 19
1.3.3 Legislation and Regulations 19
1.4 Assessment of Potential New Mechanisms for Protected Area Designations 19
1.5 Protected Area Identification and Evaluation 20
1.5.1 Advancement of Possible Candidate Sites 20
1.5.2 Technical Support 20
1.5.3 Gap Analysis 20
1.6 Resource Assessment 20
1.7 Interim Protection 21
1.8 Third Party Compensation 21

2.0 PARTNERSHIPS: STRENGTHENING THE TIES 21
2.1 Continue Support for Protected Areas Strategy Initiatives 21
2.2 Conduct Annual Protected Areas Forum 22
2.3 Continue Public Awareness Program 22

SECTION C: SUPPORTING DOCUMENTS 23

1 PROTECTED AREA TOOLKIT - A REFERENCE GUIDE TO MECHANISMS FOR ESTABLISHING AND MANAGING PROTECTED AREAS IN THE NORTHWEST TERRITORIES 23

2 PROTECTED AREAS - COMMITMENTS AND PROGRESS 50

3 ASSESSING ECOLOGICAL VALUES IN PLANNING PROTECTED AREAS 53

4 PROVISIONS FOR PROTECTED AREAS IN LAND CLAIM SETTLEMENTS WITHIN THE WESTERN NORTHWEST TERRITORIES 54

5 CORE REPRESENTATIVE AREAS, BUFFER ZONES AND CORRIDORS 71

6 INTERIM PROTECTION OF PROPOSED PROTECTED AREAS 72

7 RESOURCE POTENTIAL ASSESSMENT IN THE NORTHWEST TERRITORIES - UNDERSTANDING THE EVALUATION OF MINERAL AND PETROLEUM RESOURCE POTENTIAL IN THE WESTERN NORTHWEST TERRITORIES 81

8 OVERVIEW OF PROTECTED AREA ROLES AND RESPONSIBILITIES IN WESTERN NORTHWEST TERRITORIES REGIONS 86

APPENDIX 1: PROTECTED AREAS ADVISORY COMMITTEE 93

APPENDIX 2: PROTECTED AREAS SECRETARIAT 95

APPENDIX 3: ACRONYMS AND DEFINITIONS 96

LIST OF FIGURES

Figure 1: Existing Legislated Protected Areas of the Western Northwest Territories 3
Figure 2: Land Claim Regions of the Western Northwest Territories 6
Figure 3: Terrestrial Ecoregions of the Western Northwest Territories 9

TERMINOLOGY

The Northwest Territories Protected Areas Strategy applies only to the western part of the existing Northwest Territories (NWT) and not to the new territory of Nunavut that will come into being on April 01, 1999. In due course, the territory of Nunavut may choose to deal with the question of protected areas within its jurisdiction as it sees fit.

The term "Western Northwest Territories" is being used in some quarters to refer to that part of the existing Northwest Territories that lies west of the Nunavut boundary. However, in accordance with advice available to us in November 1998, we have chosen to continue to use the term "Northwest Territories" throughout the document, recognizing that this area does not include Nunavut.

The maps found in the document do not include Nunavut and are entitled "Western Northwest Territories". "Western" here should be understood to be an adjective, rather than a part of the name of the jurisdiction.

CONTEXT

PRECEDENCE OF LAND CLAIMS AGREEMENTS, ABORIGINAL/INHERENT AND TREATY RIGHTS

The Aboriginal peoples of the Northwest Territories (NWT) have always had strong ties to the land. Their rights concerning the resources of the land, and their responsibilities for managing those resources, are being constitutionally recognized through the settlement of land claims, the clarification of treaty rights, and the creation of regionally based resource management bodies. Such agreements affirm the leadership role of local people in land and water management, giving them more control over protecting the land as well as maintaining resource development options for the future. The Protected Areas Strategy (PAS) will conform to all land claims agreements,[1] Aboriginal/inherent and treaty rights and self-government agreements. In the event of any unforeseen conflicts between this Strategy and such agreements, the latter takes precedence over the Strategy. Where a proposed protected area is wholly or partially within the settlement region of a comprehensive land claim, no process under the PAS, including the establishment of interim protection, shall take place without the consent and participation of the appropriate land claim body, and no protected area shall be designated without the express consent of the land claim body.

THE BROADER CONTEXT - HOW DO PROTECTED AREAS FIT WITH OTHER LANDS?

The establishment of protected areas is a conservation component of regional land use planning processes, and is integral to integrated resource management planning. To achieve the goals of this Strategy, protected areas must not be planned and managed as isolated "islands" of nature. In some cases protected areas must be linked with mechanisms such as buffer zones or corridors to ensure ecological integrity is maintained. The relationship between protected areas and surrounding lands and waters should be considered so that management regimes for both protected areas and adjacent lands can be harmonized for their mutual benefit. The creative application of standard land use regulations can often promote such compatibility.

---

[1] ***For greater clarity,***

a. Where a proposed protected area is wholly or partially within the Inuvialuit Settlement Region, no process under the Protected Areas Strategy, including the establishment of interim protection, shall take place without the consent and participation of Inuvialuit Regional Corporation, and no protected area shall be designated without the express consent of Inuvialuit Regional Corporation.

b. Where a proposed protected area is wholly or partially within the Gwich'in Settlement Area, no process under the Protected Areas Strategy, including the establishment of interim protection, shall take place without the consent and participation of the Gwich'in Tribal Council, and no protected area shall be designated without the express consent of the Gwich'in Tribal Council.

c. Where a proposed protected area is wholly or partially within the Sahtu Settlement Area, no process under the Protected Areas Strategy, including the establishment of interim protection, shall take place without the consent and participation of the Sahtu Secretariat Incorporated, and no protected area shall be designated without the express consent of the Sahtu Secretariat Incorporated.

SECTION A: POLICY, FRAMEWORK AND PROCESS

1.0 PROTECTED AREAS STRATEGY FOR THE NWT: POLICY

1.1 WHY HAVE PROTECTED AREAS?

Across the NWT are areas of land and water with special natural and cultural values. These areas may be important mainly to local people. They may also be of territorial, national, or even international significance. What these areas have in common is that protection of their natural and cultural values is essential. Currently many such natural areas are protected under federal and territorial programs. Federal protected areas, notably national parks, make important contributions to the protection of ecoregions in the NWT. The value of these existing protected natural areas is fully acknowledged. However, there are important gaps within the existing systems of protected areas. This Strategy focuses on the process of identification, evaluation, and designation of additional protected areas through the expansion of existing systems. This will promote the balanced and orderly establishment of new protected areas as defined by IUCN/The World Conservation Union:

An area of land or sea especially dedicated to the protection and maintenance of biological diversity, and its associated natural and cultural resources, managed through legal or other effective means.

This definition embraces a wide variety of scientific and cultural reasons for establishing protected areas in the NWT. The application of various levels of protection ranges from strict preservation to the accommodation of sustainable commercial activities. In the NWT non-renewable resource activities are an integral part of the economy, and may be accommodated within certain types of protected areas. Supporting Document 1 describes the full range of IUCN categories for protected areas and associated legislated and non-legislated tools. Existing legislated protected areas in the western NWT are shown in Figure 1.

Purposes and Benefits of Protected Areas

The specific purposes for establishing protected areas will differ from place to place. Some of the more common purposes include:

- Protection of areas with important traditional, cultural and religious significance
- Protection of specific natural and cultural features
- Maintenance of ecosystems (e.g. protection of watershed or soils) and biodiversity
- Protection of wilderness
- Preservation of species and genetic diversity

Additional benefits of protected areas include:

- Providing tourism and recreation opportunities
- Utilizing renewable resources in a sustainable manner (e.g. forests and fisheries)
- Providing increased clarity for non-renewable resource development options
- Providing educational opportunities
- Accommodating scientific research and monitoring studies
- Providing opportunities for spiritual renewal

1.2 WHAT IS A PROTECTED AREAS STRATEGY?

a. A guide to make balanced decisions in identifying, establishing and protecting significant natural and cultural areas using best available knowledge.

b. A set of shared goals, principles, processes and tools to support conservation and resource management in regional or local land use planning.

1.3 WHY DO WE NEED A PROTECTED AREAS STRATEGY?

a. To protect and maintain areas of land and water with special natural and cultural values, and to protect biodiversity.

b. To provide a context for specific action items and commitments to facilitate the establishment of protected areas.

1.4 WHAT WILL A PROTECTED AREAS STRATEGY DO?

a. It will facilitate representation of the full range of natural and cultural values in protected areas in the NWT.

b. It will provide a more clearly defined context for resource development and conservation decisions, by designating various categories of protected areas with clear distinctions regarding resource activities.

c. It will reinforce the leadership role of communities, regional organizations and/or land claim bodies in land and water use management.

d. It will help alleviate concerns that future resource development will compromise the protection of special natural areas.

e. It will help focus attention on the need for marine and freshwater protected areas.

f. It will promote a more coordinated approach among agencies responsible for protected areas.

Common Features of Protected Areas

This Strategy recognizes that any protected area:

- Has clear boundaries;
- Is managed to conserve biodiversity and ecosystems;
- Is established and managed by a legally empowered land management authority;
- Provides protection for land-based areas with special cultural values and traditional harvesting activities;
- Can accommodate development when compatible with the values being protected, except in core representative areas.

1.5 WHO WILL BENEFIT FROM THIS STRATEGY?

a. Communities, Aboriginal governments and organizations, regional organizations and/or land claim bodies and all other northerners will be supported in meeting their long term protection goals for lands, waters and air critical to the health of their economies and cultures.

b. Resource-based industries and tourism interests will obtain greater clarity about land status, land use access and development options.

c. Environmental interests will see significant progress towards national and international commitments to protecting representative examples of the NWT's natural regions.

d. Present and future generations of northerners will benefit from the ecological, cultural and economic values protected today.

1.6 WHO PREPARED THIS STRATEGY?

a. Steering this process has been a multi-stakeholder PAS Advisory Committee made up of representatives from all regions in the western NWT (see Figure 2), plus industry, environmental organizations and government institutions.

b. In August 1996, the federal and territorial governments committed to the completion of this Strategy document by December 1998 (see Supporting Document 2, Page 51 for commitments to protected areas).

c. On February 15, 1999, the PAS Advisory Committee recommended the Strategy to the territorial department of Resources, Wildlife and Economic Development and the federal department of Indian Affairs and Northern Development.

The following organizations nominated individuals to serve on the PAS Advisory Committee (for details see Appendix 1)

a. Inuvialuit Regional Corporation/Inuvialuit Game Council
b. Gwich'in Tribal Council
c. Sahtu Secretariat Incorporated
d. Deh Cho First Nations
e. Dogrib Treaty 11 Council
f. Akaitcho Territory Government
g. South Slave Metis Tribal Council
h. NWT Chamber of Mines and Canadian Association of Petroleum Producers
i. Environmental Non-Government Organizations
j. Government of Canada
k. Government of the Northwest Territories

1.7 HOW WILL THIS STRATEGY BE IMPLEMENTED?

a. This Strategy provides a set of common guidelines useful for the planning of protected areas in the NWT. The way in which these guidelines are implemented from region to region will vary to reflect the unique aspects of their cultural and political contexts. However, in all cases, communities, regional aboriginal organizations and/or land claim bodies will take the lead in identifying initial areas of interest.

b. Government institutions, together with industry and environmental organizations, will assist in the implementation of this Strategy by fulfilling their responsibilities with respect to land and ocean management and providing technical and administrative support to protected area initiatives. For specific commitments see Section B, Page 19.

c. Overall implementation of this Strategy will be overseen by appropriate multi-stakeholder processes as required.

2.0 SETTING THE DIRECTION: FRAMEWORK

2.1 VISION AND GOALS - OUR COMMON PURPOSE

Our lands and waters sustain all life and are the primary source of spiritual inspiration, education, legends, history and economic well-being. For many northerners the land is an integral part of who we are and how we define ourselves. This deep-rooted connection to the land is reflected in words heard often across the north, "The land takes care of us, we take care of the land".

Vision Statement

This Strategy supports northerners' strong ties with the land through a community-driven, partnership approach for identifying and establishing protected areas in the NWT. Communities, Aboriginal governments and organizations, regional organizations and/or land claim bodies, the federal and territorial governments, and non-government stakeholders will work together to help protect the ecological quality and integrity of special areas of land and water.

This Strategy envisions a prosperous future for ourselves and future generations by promoting a balanced approach to land use decisions that incorporates the best available traditional, ecological, cultural and economic knowledge. Complementary regional networks of protected areas will serve as the foundation for a sustainable environment that serves the long-term interests of NWT residents and all Canadians.

Purpose of the Strategy

The purpose of the Protected Areas Strategy was defined during a multi-stakeholder Protected Areas Workshop in April, 1998:

The Protected Areas Strategy should focus on developing an overall framework and set of criteria to guide the work of identifying and establishing protected areas in the NWT. The task of developing concrete protected area proposals should primarily be left to communities, regional organizations and/or land claim bodies and processes.

Other general purposes of the Strategy include:

a. Providing the tools to support the identification, modification and/or establishment of protected areas in regions with and without settled claims.

b. Raising awareness of the need for protected areas and assisting with the development of regionally based protected area processes in regions with unsettled Aboriginal and treaty rights claims.

c. Establishing mutually beneficial partnerships while clarifying the roles and responsibilities for identifying and establishing protected areas.

d. Defining clear commitments for implementation.

The PAS is comprised of two goals, each intending to address specific elements or issues:

GOAL: TO PROTECT SPECIAL NATURAL AND CULTURAL AREAS

a. Northern residents know best which lands and waters are most critical to sustaining their land-based economies, values and cultures.

b. Special natural areas could include unique or significant wildlife habitats, harvesting areas, sites of special cultural value, prime recreational and scenic areas, and unique scientific features.

c. Development will be permitted when compatible with values being protected.

GOAL: TO PROTECT CORE REPRESENTATIVE AREAS WITHIN EACH ECOREGION.

a. Each of the western NWT's natural regions - called ecoregions - is made up of a unique combination of landscape features, plants and animals (see Figure 3).

b. Some ecoregions are under-represented in existing protected areas. Establishing core

representative protected areas in these ecoregions will contribute to the conservation of the entire diversity of life forms and their habitats in the NWT (See Supporting Document 3, Page 54).

c. The federal and territorial governments have made numerous commitments to this goal through their endorsement of such agreements as the Convention on Biodiversity, the Whitehorse Mining Initiative, and the Government of the Northwest Territories (GNWT) Sustainable Development Policy which recognize local, national and international commitments.

d. Resource based development such as mining, logging, hydro-electric projects, agriculture, oil and gas surface work, and associated infrastructure will not be permitted in core representative areas. (See Appendix 3, Page 97)

2.2 PRINCIPLES - WHAT GENERAL RULES SHOULD GUIDE THE DEVELOPMENT OF A PROTECTED AREAS STRATEGY?

a. **Precedence of Aboriginal and Treaty Rights Agreements**
Conform to all Aboriginal/inherent and treaty rights, land claims agreements, and self-government agreements (see Supporting Document 4). In the event of any unforeseen conflicts between this Strategy and such agreements, the latter take precedence.

b. **Aboriginal Traditions**
Recognize the traditional land-based economies and cultures of Aboriginal peoples.

c. **Mineral Tenure System**
Recognize that the existing system for acquiring mineral rights allows entry on specified Crown lands for the purpose of staking claims and prospecting. Once a mineral claim is staked, the holder has the ability to explore for and develop minerals, subject to all laws.

d. **Access, Third Party Interests and Compensation**
Recognize and respect all obligations related to land and water access, third-party interests, and compensation needs caused by the establishment of protected areas.

e. **Land Use Planning**
Locally based land use planning and resource management processes will take the lead on identifying community and regional interests in areas being considered for protection.

f. **Full Stakeholder Participation**
Includes a full range of stakeholders at all stages of planning and establishing protected areas.

g. **Information Sharing**
All relevant information will be available to stakeholders, interest groups, and the general public.

h. **Ecological Integrity**
Plan and manage protected areas to maintain biodiversity and ecological processes. In some cases buffer zones, seasonal restrictions and connecting corridors may be needed (see Supporting Document 5, Page 73).

i. **Knowledge**
Use the best available traditional, local and scientific knowledge to select a protection tool, and to determine or modify the boundaries of protected areas and their management objectives.

j. **Assessment of Representativeness**
Undertake an assessment of ecoregion representativeness as part of the evaluation of proposed protected areas.

k. **Economic Opportunities**
Recognize the potential contributions of renewable and non-renewable resource development to the economic and social well-being of northern residents. Wherever possible, protected areas proposals for core representative areas will give priority to areas of low commercial value.

l. **Industrial Development**
Prohibits resource based industrial developments such as mining, oil and gas surface work, forestry, agriculture, power generation and associated infrastructure in areas designated as core representative areas. Industrial activities may be accepted in other categories of protected areas when the activities are compatible with the values being protected and when restoration initiatives are planned.

m. **Interim Protection**
Where appropriate, apply interim protection measures to maintain the values of proposed protected areas, while detailed evaluation studies are in progress. Any interim protection measures should be applied with specific time horizons (see Supporting Document 6, Page74).

n. **Resource Development Assessment**
Undertake an assessment of development potential (mines, pipelines, roads) and resource benefits, as part of the evaluation of proposed protected areas. See Supporting Document 7 for specific reference to mineral resource potential.

o. **Legislation**
Use existing legislation where possible, and new or amended legislation or other mechanisms where necessary.

p. **Transboundary Protected Areas**
Promote a coordinated, partnership approach to protected area efforts that cross regional, territorial or provincial boundaries.

3.0 IMPLEMENTATION - GETTING THE JOB DONE: PROCESS

To make a difference "on the ground", the PAS defines clear roles, responsibilities, and commitments.

General Planning Process for Protected Areas
The eight general steps outline a protected area planning process on public land (see box below). Where protected areas are contemplated on private lands under claim settlements, the owner would determine the review process. Where no subsurface land withdrawal is expected the process may be simplified. Work on these general steps can proceed while the building blocks outlined in Section B are being put in place.

General Planning Process for Protected Areas

The job of initially planning protected areas lies primarily with communities, regional organizations and/or land claim bodies. Exactly how this job will be done varies from region to region due to differences in ecological, cultural, and political settings. In more advanced stages, where federal and territorial government legislation is being considered, these governments will take on an increasingly important role. But at a general level, there are some common steps that all regions can follow to help advance their protected areas in the most orderly and efficient way possible. Elaboration of these points is included in Section 3.1 - 3.8.

1. Identify priority areas of interest
2. Prepare and review protected area proposal at regional level
3. Review and submit proposal for candidate protected area status
4. Consider and where necessary apply interim protection for candidate area
5. Evaluate candidate area
6. Seek formal establishment of protected area
7. Approve and designate protected area
8. Implement, monitor and review protected area

This general planning process outlines the steps that should be followed to promote the fairest, most efficient and most widely supported review of a proposal - from identifying areas of interest to re-evaluating the status of an established protected area. Users of this planning process are encouraged to check each step for consistency with the goals and principles of the PAS. Where inconsistencies are found, proposals could be deferred for further study, modified or rejected.

To help advance the primary task of identifying and establishing new protected areas in the NWT, a PAS Secretariat will provide support and coordination to protected area partners that adopt these steps (see Section B, 2.1a).

3.1 STEP 1 - IDENTIFY PRIORITY AREAS OF INTEREST

3.1.1 Communities, Regional Organizations and/or Land Claim Bodies

a. Consult with community residents to identify and map special natural areas and sites of cultural value, such as unique or significant wildlife habitats, traditional harvesting areas and unusual landforms or features, as well as potential sites for core representative areas.

b. Document, using traditional and scientific knowledge methods, the known ecological, cultural and economic values of each initial area of interest.

c. Evaluate and rank these sites using selection criteria developed in the region to identify highest priority areas of interest.

3.1.2 Stakeholders (i.e. industry, environmental groups)

a. Assist in proposing protected areas, subject to the approval of communities, regional organizations and/or land claim bodies.

b. Assist in compiling information on known resource development potential in areas of interest.

c. Assist in research that may supplement community-based identification of areas of interest.

d. Provide funding assistance.

e. Provide technical support for mapping and recording areas of interest.

f. Assist in the development of selection criteria.

3.1.3 Government Institutions

a. Assist in proposing protected areas, subject to the approval of communities, regional organizations and/or land claim bodies.

b. Provide information and technical support to advance the identification of areas of interest, including their potential for economic development (see Section B, 1.5).

c. Conduct gap analysis or special studies and share the results with communities, regional organizations and/or land claim bodies.

d. Provide funding to support the identification of priority areas of interest.

3.2 STEP 2 - PREPARE AND REVIEW PROTECTED AREA PROPOSAL AT REGIONAL LEVEL

3.2.1 Communities, Regional Organizations and/or Land Claim Bodies

a. Take the lead in preparing protected area proposals for special areas of interest. A proposal could include such information as the area's values, resource development issues and opportunities, data deficiencies, and the process used for selection.

b. Submit a proposal to the appropriate regional body for review and consideration.

3.2.2 Stakeholders

a. Assist the appropriate regional body in the preparation of protected area proposals.
b. Provide balanced preliminary information on potential economic opportunities and benefits from development, based on existing information.

3.2.3 Government Institutions

Assist in the preparation of a protected area proposal through provision of balanced information and technical assistance, as requested.

3.3 STEP 3 - REVIEW AND SUBMISSION OF PROPOSAL FOR CONSIDERATION AS CANDIDATE PROTECTED AREA

3.3.1 Communities, Regional Organizations and/or Land Claim Bodies

a. Review by the appropriate regional body, including Aboriginal governments, may include public workshops or other forms of consultation with communities associated with proposed protected areas.
b. The regional body, if supportive of the protected area proposal, forwards that proposal to the appropriate government institutions with recommendations for more detailed evaluation, and where circumstances warrant, proposals for interim protection. The proposal will outline ecological, cultural, and economic values, and the sources of information used to describe those values. At this stage an area of interest will be indicated, which may include preliminary boundaries.

3.3.2 Stakeholders

a. Document concerns and interests in a proposed area and jointly discuss them with appropriate regional bodies, government institutions and constituents.
b. Enhance public awareness of a proposal through combined public education efforts.

3.3.3 Government Institutions

a. The appropriate government institutions will review proposals with respect to factors such as ecoregion representativeness, known resource development interests, land dispositions, fiscal implications, and socio-economic benefits.
b. If in agreement that the proposal merits detailed evaluation, appropriate government institutions formally accept the proposal as a candidate protected area.
c. If appropriate government institutions do not support candidate area status, they can reject the proposal with reasons or return the proposal to the originating community, regional organization and/or land claim body suggesting revisions.

3.4 STEP 4 - CONSIDER/APPLY INTERIM PROTECTION TO CANDIDATE AREA

3.4.1 Communities, Regional Organizations and/or Land Claim Bodies

Work directly with appropriate government institutions to consider, and where necessary, develop terms and conditions for interim protection.

3.4.2 Stakeholders

a. Continue to jointly enhance public awareness concerning the candidate area.

b. Provide more details on concerns surrounding the candidate area, particularly with respect to boundary and access questions.

3.4.3 Government Institutions

Confer interim protection status, if required, to the candidate protected area.

3.5 STEP 5 - EVALUATE CANDIDATE AREA

3.5.1 Communities, Regional Organizations and/or Land Claim Bodies

Once a proposal is accepted as a candidate protected area, the appropriate regional body will take the lead on coordinating a more detailed evaluation of the area's ecological, cultural and economic values. This step will involve work in partnership with responsible government institutions and approproate stakeholders.

3.5.2 Stakeholders

a. Provide technical and/or funding support to assist with the review of the candidate area.

b. Contribute to a review of the candidate area in an effort to ensure that the resource assessment findings are fully considered.

3.5.3 Government Institutions

a. Conduct a detailed evaluation of the candidate area's ecological, cultural and economic values. Implications of different kinds of designation and funding levels, with respect to protection of those values, will be addressed. Emphasis will also be placed on defining potential boundaries. With the assistance of communities, regional organizations and/or land claim bodies, environmental organizations and industry, appropriate government institutions will coordinate and conduct a public review of the candidate area. This review would include discussions of levels of development permitted and related funding.

b. Government will initiate negotiations of protected areas agreements with appropriate land claim organizations.

3.6 STEP 6 - SEEK FORMAL ESTABLISHMENT OF PROTECTED AREA

3.6.1 Communities, Regional Organizations and/or Land Claim Bodies

a. Refine details and boundaries of candidate protected area proposal to reflect results of public review.

b. Seek community support for final protected area proposal with defined management objectives, proposed boundaries and preferred designation.

c. Submit formal proposal for the protected area to appropriate government institutions for approval, specifying management objectives, proposed boundaries and preferred designation.

3.6.2 Stakeholders

a. Advance considerations relating to boundary and type of designation.

b. Provide recommendations relating to type of designation for the candidate area.

3.6.3 Government Institutions

a. Receive formal request for establishment of a protected area.

b. Recommend:

that a protected area with a specific designation be established, or
that the proposal be returned to the originating community, regional organization and/or land claim body for revision of specified areas of concern.

3.7 STEP 7 - APPROVE AND DESIGNATE PROTECTED AREA

3.7.1 Communities, Regional Organizations and/or Land Claim Bodies

Assuming appropriate government institutions accept a formal protected area proposal, appropriate regional bodies co-sign and announce protected area establishment agreement.

3.7.2 Stakeholders

Promote public education efforts concerning the new protected area, with emphasis on the maintenance of the protected area's values.

3.7.3 Government Institutions

Approve establishment of protected area with defined management objectives, defined boundaries and appropriate designation.

3.8 STEP 8 - IMPLEMENT, MONITOR AND REVIEW PROTECTED AREA

This will vary according to the type of protected area, land claims legislation, and management regime. In addition, periodic review is recommended in areas where land claims have not been concluded.

SECTION B: ACTION PLAN - INITIATIVES AND PARTNERSHIPS

1.0 ESTABLISHING BASIC BUILDING BLOCKS: INITIATIVES

One of the primary purposes of the Protected Areas Strategy is to set out a step-by-step planning process within which any proposal for a protected area could be processed (Section A, 3.0). The details concerning the use of this process will vary from region to region. Yet for such a general framework to be fully utilized in any region, it is necessary to put in place some basic building blocks.

Federal and territorial governments have the responsibility to establish some of these building blocks. However, they must work closely with appropriate multi-stakeholder processes to ensure that the building blocks are compatible with the needs and priorities of communities, regional organizations and/or land claim bodies.

1.1 PROTECTED AREA SYSTEM PLANS

a. Federal and territorial government institutions mandated to establish and manage protected natural areas within the NWT, and lacking system plans, will be encouraged to prepare such plans in a manner consistent with the Strategy.
b. These system plans will define the areas of interest and schedules for establishing new protected areas.
c. Those government institutions having system plans in place, will use the Strategy to strengthen any programs for new acquisitions.
d. This process will be conducted in partnership with communities, regional organizations and/or land claim bodies.

Time frame: ongoing

1.2 PROTECTED AREAS IN THE MARINE AND FRESHWATER ECOSYSTEMS

Federal government institutions with mandates to establish and manage protected areas in the marine and freshwater ecosystems will work collaboratively with each other and communities, regional organizations and/or land claim bodies to prepare plans that define their intentions for establishing protected areas in the NWT's marine and freshwater ecosystems.

Time frame: 3 years

1.3 REVIEW TERRITORIAL CONSERVATION MECHANISMS

1.3.1 Parks Guidelines

a. The Department of Resources, Wildlife and Economic Development (RWED) will review its draft Parks Program Guidelines, amend this document as necessary to be consistent with the Strategy, and affirm its status as policy to support the establishment and operation of territorial parks.
b. This review will be conducted in partnership with communities, regional organizations and/or land claim bodies.

Time frame: 1 year

1.3.2 Critical Wildlife Areas

a. RWED will review its draft regulations for Critical Wildlife Areas under the *NWT Wildlife Act* in relation to the goals and principles of the Strategy.
b. RWED will conduct appropriate work in partnership with affected stakeholders, communities, regional organizations and/or land claim bodies as necessary.
c. RWED will revise the draft regulations as necessary, to reflect the results of consultation, and shall then seek formal adoption by the GNWT Cabinet.

Time frame: 1 year

1.3.3 Legislation and Regulations

a. RWED will review its related regulations, legislation, and policies, amending them where necessary to be consistent with the Strategy.
b. This review and amendment process will be conducted in partnership with communities, regional organizations and/or land claim bodies.

Time frame: 2 years

1.4 ASSESSMENT OF POTENTIAL NEW MECHANISMS FOR PROTECTED AREA DESIGNATIONS

Federal and territorial government institutions and Aboriginal governments and land claim organizations will collaborate in a feasibility study to determine the applicability of the following kinds of potential new mechanisms to help meet the goals of the Strategy on Crown Land, such as:

l. Natural Monument or Landmark
m. Ecological Reserve
n. Cultural/Heritage Landscape
o. Tribal Park
p. Wilderness Areas
q. Protected Areas Designated within a Land Use Plan
r. Total Landscape Management

Time frame: 2 years

1.5 PROTECTED AREA IDENTIFICATION AND EVALUATION

1.5.1 Advancement of Possible Candidate Sites

Communities, regional organizations and/or land claim bodies will work towards identifying and mapping at least one possible candidate site within the regions which do not have an established protected areas network, to meet the goals of the Strategy.

Time frame: 1 to 2 years

1.5.2 Technical Support

a. RWED will work with interested partners to provide technical assistance to evaluate protected area proposals advanced by communities, regional organizations and/or land claim bodies.
b. RWED will enhance its Geographic Information System (GIS) capabilities for assessing ecological, cultural and economic values in proposed protected areas.
c. RWED will include in its protected area evaluation framework an enhanced capability to assess resource development potential.
d. RWED will encourage use of GIS applications that are compatible across regions and will facilitate access to its databases by communities, regional organizations and/or land claim bodies involved in protected areas planning.

Time frame: immediate and ongoing

1.5.3 Gap Analysis

a. RWED will work with interested partners to map the distribution of native wildlife species and habitat and compare this distribution with currently protected areas.
b. RWED will work with interested partners to map landscape units within ecoregions and assess the degree to which these are represented by existing protected areas.
c. The results of this work will be made available to communities, regional organizations and/or land claim bodies and to government institutions, to help identify additional protected areas.

Time frame: immediate and ongoing

1.6 RESOURCE ASSESSMENT

a. Working closely with all government institutions and communities, regional organizations and/or land claim bodies having resource responsibilities, DIAND and RWED will coordinate the development of an effective mineral and energy assessment process for high priority candidate protected areas (see Supporting Document 7).
b. The process will rely upon collection, compilation and interpretation of the best available data from industry and government institutions, and the collection of new field data. It is recognized that knowledge of subsurface resources cannot be quantified with absolute certainty.
c. GNWT Department of Transportation will prepare a short paper explaining the process and value of transportation planning as a key component of long term economic diversification.

Time frame: 1 year

1.7 INTERIM PROTECTION

a. TheDepartment of Indian Affairs and Northern Development (DIAND) will take the lead in developing standardized guidelines, consistent with the Strategy, that clearly define when and how interim protection should be applied to priority candidate protected areas (see Supporting Document 6).

b. This initiative will be undertaken in partnership with the GNWT, industry, and appropriate communities, regional organizations and/or land claim bodies.

Time frame: 1 year

1.8 THIRD PARTY COMPENSATION

a. DIAND will take the lead on developing standardized guidelines that clearly define when and how compensation should be provided to third party interests facing expropriation or other negative impacts resulting from the creation or modification of a protected area (see Supporting Document 6).

b. This initiative will be undertaken in partnership with the GNWT, industry, and appropriate communities, regional organizations and/or land claim bodies.

Time frame: 1 year

2.0 PARTNERSHIPS: STRENGTHENING THE TIES

The process of developing the Strategy has clearly shown that there is much we can learn from each other's goals, values, skills, technology, and experience. This sharing of knowledge during the implementation phase of the Strategy will be equally important. In addition to the commitments listed above, government institutions will help maintain and strengthen the network of communities, regional organizations and/or land claim bodies, departments and other organizations working on protected areas across the north through the following means:

2.1 CONTINUE SUPPORT FOR PROTECTED AREAS STRATEGY INITIATIVES

a. RWED, with support from DIAND, will maintain a PAS Secretariat to encourage cooperation and coordination among communities, regional organizations, land claim bodies, stakeholders and government institutions. The PAS Secretariat will also monitor and report on the progress of the commitments made in the Strategy.

b. The Minister of RWED will approach Aboriginal leaders and appropriate stakeholders to determine appropriate multi-stakeholder processes to oversee implementation of an NWT PAS.

Time frame: six months

2.2 CONDUCT ANNUAL PROTECTED AREAS FORUM

a. Government institutions will collaborate on organizing an annual forum to promote implementation of the Strategy. The main purpose of this forum will be to monitor and evaluate implementation of the Strategy and to enhance communications among communities, regional organizations and/or land claim bodies undertaking protected areas identification and establishment.

b. As part of this forum, the partners will collaborate in the preparation of an annual report.

c. Participants from neighbouring territories and provinces will be invited in order to promote transboundary cooperation in protected area management.

Time frame: annually

2.3 CONTINUE PUBLIC PARTICIPATION PROGRAM

a. The Secretariat will continue to provide balanced information to the public on the Strategy and its implementation, through such means as publication of a regular newsletter and maintenance of a website. These items will continue to express a range of views and actions to promote dialogue and awareness.

b. The Secretariat will provide a point of contact for members of the general public wishing to offer suggestions and recommendations for protected area establishment.

Time frame: Ongoing

SECTION C: SUPPORTING DOCUMENTS

SUPPORTING DOCUMENT 1

PROTECTED AREAS TOOLKIT - A REFERENCE GUIDE TO MECHANISMS FOR ESTABLISHING AND MANAGING PROTECTED AREAS IN THE NORTHWEST TERRITORIES

INTRODUCTION

Scattered across the vast and varied Northwest Territories are special areas of land and water that may need extra protection, beyond standard land use controls, to preserve their biological, geological, cultural, scientific, educational, or recreational values. Some of these areas may be important mainly to local people. Others may be of territorial, national or even international significance. The focus of this reference guide - or toolkit - is on the main types of management mechanisms used by the governments of Canada and the Northwest Territories to establish and manage protected areas. The selection of lands through the settlement of Aboriginal claims is another important tool to protect special places but is beyond the scope of this guide.

The primary federal departments equipped with legislation to protect land and water resources are Environment Canada, Canadian Heritage and Fisheries and Oceans Canada. Within the GNWT, the main body responsible for resource management is the Department of Resources, Wildlife and Economic Development (RWED). This guide provides a brief description of the protected area mechanisms administered by these departments. Its purpose is to assist people involved in developing regional protected areas strategies, land use plans, or other complementary processes related to the implementation of Aboriginal land claims.

This guide is divided into four parts. Part 1, FINDING THE RIGHT TOOL FOR THE JOB, addresses the common question, 'Which tool is best?', by matching them to general categories of protected areas which correspond to a wide spectrum of management objectives - from strict wilderness preservation to sustainable development of resources. Part 2, LEGISLATED TOOLS, provides a systematic description of management tools that can protect special areas through legal enforcement or regulatory controls. Part 3, NON-LEGISLATED TOOLS, describes several tools that, although having no legal basis, can greatly broaden public awareness and multi-stakeholder involvement in protecting an area's values. Finally, Part 4, POTENTIAL, UNUSED OR UNFINISHED TOOLS, describes protected area mechanisms that are used in other jurisdictions and may be worth considering for the NWT or those that are as yet not applied or are under development (e.g. Act in place but no regulations exist). Some examples of the latter category are described in more detail in Part 2.

PART 1 - FINDING THE RIGHT TOOL FOR THE JOB

DEFINITION: WHAT IS A PROTECTED AREA?

The International Union for the Conservation of Nature (IUCN) defines a protected area as:

> **An area of land or sea especially dedicated to the protection and maintenance of biological diversity, and its associated natural and cultural resources, managed through legal or other effective means.**

MANAGEMENT OBJECTIVES: WHY CREATE PROTECTED AREAS?

Although all protected areas should meet the general purposes described in this definition, the specific reasons for creating them will differ from place to place. Some of the more common reasons include:

s. Areas of traditional, cultural and religious significance
t. Wilderness protection
u. Preservation of species and genetic diversity
v. Maintenance of environmental services (e.g. protection of watershed or soils)
w. Protection of specific natural and cultural features
x. Tourism and recreation
y. Sustainable use of natural resources (e.g. forests and fisheries)
z. Education
aa. Scientific research and monitoring

CATEGORIES: WHAT ARE THE MAIN KINDS OF PROTECTED AREAS?

The IUCN has defined seven general categories of protected areas based on a wide range of management objectives. From greatest to least degree of protection, these include:

1a. STRICT NATURE RESERVE -> managed mainly for scientific research.
Area of land or sea possessing some outstanding or representative ecosystems, geological features, or species, reserved primarily for scientific research or environmental monitoring.

1b. WILDERNESS AREA -> managed mainly for wilderness protection.
Large area of unmodified or slightly modified land or sea without permanent or significant human habitation which is protected and managed to preserve its natural state.

2. NATIONAL PARK -> managed for ecosystem protection and recreation.
Natural area of land or sea designated to a) protect the ecological integrity of one or more ecosystems for present and future generations; b) exclude resource exploration and development that may threaten the reasons for designating the area; and c) provide a place of spiritual, scientific, educational, and recreational opportunities that are compatible with the resources being protected.

3. NATURAL MONUMENT -> protect specific natural or cultural features.
Area protecting a specific natural or cultural feature which is of outstanding or unique value because of its rarity, representativeness, aesthetic or historical significance.

4. HABITAT/SPECIES MANAGEMENT AREA -> protect species and/or habitat.
Area of land or sea managed to maintain habitats or meet special requirements of selected species.

5. PROTECTED LANDSCAPE/SEASCAPE -> landscape protection & recreation
Area of land, often in a coastal setting, where the interaction of people and nature over time has created a place of distinct character with significant aesthetic, ecological or cultural value, usually with high biological diversity.

6. MANAGED RESOURCE PROTECTED AREA -> sustainable resource use.
Area containing mainly natural systems managed to ensure long term protection and maintenance of biological diversity while providing a sustainable flow of natural products and services to meet community needs.

MATCH-MAKING: WHICH TOOL IS BEST?

To protect special places, some people might like to see a strictly enforced Wilderness Area in the backyard of every community. Others may instead believe that seasonal regulatory controls on land uses during critical times of the year may be all that is needed. Both kinds of tools - and everything in between - may have a role within a larger system of protected areas in a particular region. In all cases, the most appropriate tool for a proposed protected area is the one that best matches its primary management objective. On the following table, these objectives (indicated with checkmarks) are matched with possible protected area tools available for lands or waters in the Northwest Territories. For further information on any of these tools, refer to Parts 2 to 4 of this Guide.

MATCH-MAKING: WHICH TOOL IS BEST?

General Protection Category (from most to least protection)	NWT Protected Area Tool Featured in this Guide (F indicates non-legislated tool)	Comments
STRICT NATURE RESERVE Scientific research	None currently available	The NWT lacks specific legislation that could create an area strictly for scientific research. Most Canadian jurisdictions, including the Yukon, can create ecological reserves for this purpose.
WILDERNESS AREA Wilderness preservation	Territorial Wildlife (Game) Sanctuary combined with a DIAND land withdrawal under the Territorial Lands Act.	The Thelon Wildlife Sanctuary is the only strict wilderness area in the NWT. No new sanctuaries can be created using this combination of tools.
NATIONAL PARK Ecological integrity Public use and enjoyment	National Park & Park Reserve National Marine Conservation Area Biosphere Reserve (core area)F World Heritage Site F	Though very powerful tools for providing long term protection, the need for natural values to be of national significance limits their potential usefulness. Biosphere Reserve or World Heritage status adds global recognition to legislated protected areas.
NATURAL MONUMENT Protect specific natural and cultural features	National Historic Park and Site Territorial Historic Park Territorial Natural Environment Park	National Historic Parks fit well into this category. Territorial Historic Parks protect cultural artifacts that need not be of national significance. Territorial Natural Environment Parks would fit in this category when management is aimed at protecting specific features.
HABITAT OR SPECIES MANAGEMENT AREA Protect wildlife species; some designations also protect habitats (marked *)	*National Wildlife Area *Marine Wildlife Area *Migratory Bird Sanctuary Critical Wildlife Area Caribou Protection Measures Special Management Area Ramsar Site F Biosphere Reserve (core area)F	A wide variety of land uses may occur in these areas so long as they do not threaten the wildlife values which they are meant to protect. Special conditions on land use permits are often applied only on a seasonal basis during critical times in the life cycle of the protected species. Biosphere Reserve or Ramsar designations can enhance public awareness and sound management of a site.
PROTECTED LANDSCAPE/SEASCAPE Protect traditional human interactions with land and water Recreation	No specific legislation is currently available although the National Historic Park designation may apply. Canadian Heritage River F	This category would apply to the protection of traditional interactions of Aboriginal people with the land and water (e.g. the kind of protection proposed for Scented Grass Hills and Grizzly Bear Mountain on Great Bear Lake). The Canadian Heritage River System emphasizes the importance of protecting human-environment interactions.
MANAGED RESOURCE PROTECTED AREA Sustainable resource use	Marine Protected Area Area Development Zone Travel Restricted Area and Zone Forest Management Area Biosphere Reserve (buffer zone)F Wildlife Management Area	While the focus of these tools is to promote managed use of resources, all of them can be used to protect key areas or features. Another advantage is that they can be applied flexibly on a short or long term basis. None control access to subsurface resources.

PART 2 - LEGISLATED TOOLS

Under negotiated land claim agreements, Renewable Resource Councils and Boards have authority to approve commercial harvesting within certain lands designated as protected areas.

PROTECTED AREA TOOLS IN THE NWT - 1

PROTECTED AREA TOOL	*NATIONAL PARK & NATIONAL PARK RESERVE*
APPLIES TO	*Canada*
PURPOSE	*To protect for all time representative natural areas of Canadian significance in a system of national parks, and to encourage public understanding, appreciation and enjoyment of this natural heritage so as to leave it unimpaired for future generations.*
AGENCY	*Parks Canada, Department of Canadian Heritage*
LEGISLATION OR POLICY	*National Parks Act* *National Parks Guiding Principles & Operational Policies*
LAND USE CONTROLS	*- Traditional harvesting activities by aboriginal people are routinely permitted through land claim agreements and provisions.* *- Commercial hunting and fishing not allowed.* *- Sport hunting not allowed.* *- Sport fishing allowed for naturally occurring species.* *- Plants and natural objects may be taken for the purposes of scientific research with appropriate permits.* *- Non renewable resource development not allowed.* *- All other development is highly restricted.*
COMMENTS	*- Specific land use controls determined through joint planning process.* *- Increased economic benefits through tourism and local employment.* *- As well as protecting natural features, national parks can also include important cultural and historic sites.* *- Where new national parks are established as part of a land claims process , an area may be set aside as a National Park Reserve while boundaries, harvesting rights and management roles are negotiated.*
EXAMPLE	*Wood Buffalo National Park* *Auyuittuq National Park Reserve* *Nahanni National Park Reserve*
CONTACT	*Northern Parks Advisor* *Parks Canada* *Box 1166* *Yellowknife NT X1A 2N8* *Phone: (867)669-2821, Fax: (867)669-2829*

PROTECTED AREA TOOLS IN THE NWT - 2

PROTECTED AREA TOOL	*NATIONAL MARINE CONSERVATION AREA (NMCA)*
APPLIES TO	*Canada*
PURPOSE	*To protect and conserve for all time national marine areas of Canadian significance that are representative of the country's ocean environments and the Great Lakes, and to encourage public understanding, appreciation and enjoyment of this marine heritage so as to leave it unimpaired for future generations.*
AGENCY	*Parks Canada, Department of Canadian Heritage*
LEGISLATION OR POLICY	*National Parks Act* *National Marine Conservation Areas Policy* *National Parks Guiding Principles & Operational Policies*
LAND/WATER USE CONTROLS	*- Traditional harvesting activities by aboriginal people permitted through land claim agreements and provisions.* *- Commercial hunting and fishing on a sustainable basis permitted as part of a negotiated fisheries management plan.* *- Sport hunting not allowed.* *- Other commercial activities prohibited.* *- An essential feature of NMCAs is the setting aside of highly sensitive areas as special protection zones.*
COMMENTS	*- NMCAs are a relatively new protected area within Parks Canada and were previously called National Marine Parks.* *- Like National Parks, NMCAs are managed using an ecosystem approach. But unlike Parks, the management philosophy in NMCAs focusses more on sustainable use and restoration of ecosystems rather than on maintaining them in an unaltered state.* *- An NMCA includes the seabed, the waters above it, and may include islands and a coastal strip in order to develop associated facilities.*
EXAMPLE	*No NMCAs have been established yet. Parks Canada is currently considering whether to draft specific legislation relating to the establishment and management of NMCAs.*
CONTACT	*Senior Planner, Marine Studies* *Parks Canada* *25 Eddy Street , 4th Floor, Room 325* *Hull PQ K1A 0M5* *Phone: (819) 997-4916, Fax: (819)994-5140*

PROTECTED AREA TOOLS IN THE NWT - 3

PROTECTED AREA TOOL	*NATIONAL HISTORIC PARK & NATIONAL HISTORIC SITE*
APPLIES TO	*Canada*
PURPOSE	*To commemorate significant aspects of Canada's human history by acquiring places of national historic importance for the purpose of preservation and public presentation.*
AGENCY	*Parks Canada, Department of Canadian Heritage*
LEGISLATION OR POLICY	*National Parks Act* *National Parks Guiding Principles & Operational Guidelines* *Historic Sites and Monuments Act*
LAND USE CONTROLS	*NATIONAL HISTORIC PARK:* *- Removing, defacing or destroying historical and archaeological resources is prohibited; resources may only be removed under permit.* *- Traditional harvesting activities by aboriginal people permitted through negotiated land agreements and claims provisions.* *- Taking wildlife for research may be permitted.* *- Waste disposal is strictly controlled.* *- Access to sensitive historical resources may be restricted to minimize impacts by visitor traffic or other land uses.* *- Water courses in a park cannot be altered or polluted.* *- Camping is permitted in a park only under negotiated conditions.* *- Acts & associated regulations control surface and subsurface access.* *NATIONAL HISTORIC SITE:* *- Commemoration of a National Historic Site is done by means of plaques or other signs but offers no formal land use controls.*
COMMENTS	*- Parks Canada may make agreements with any persons or groups for commemorating and/or preserving historic sites or lands. This could involve entering into a range of management and cost-sharing agreements with Aboriginal or conservation organizations.* *- Management options for National Historic Parks are generally more flexible than for National Parks.*
EXAMPLE	*Bloody Falls, Fall Caribou Crossing & Arvia'juaq are National Historic Sites.(Nunavut). There are no National Historic Parks in the NWT.*
CONTACT	*Northern Parks Advisor* *Parks Canada* *Box 1166* *Yellowknife NT X1A 2N8* *Phone: (867)669-2821, Fax: (867)669-2829*

PROTECTED AREA TOOLS IN THE NWT - 4

PROTECTED AREA TOOL	*NATIONAL WILDLIFE AREA (NWA)*
APPLIES TO	*Canada*
PURPOSE	*Established to conserve nationally significant wildlife including migratory birds and their essential habitats. They may also protect areas supporting rare plants and unusually diverse or genetically important habitats.*
AGENCY	*Canadian Wildlife Service, Environment Canada*
LEGISLATION OR POLICY	*Canada Wildlife Act* *Habitat Conservation Strategy & Plan for NWT (1993-2003)*
LAND USE CONTROLS	*- A variety of activities may be allowed under permit including hunting of any species, trapping, fishing, economic and industrial activities, and tourism provided that they do not threaten wildlife or their habitat. Allowed activities for each NWA are spelled out in a management plan.* *- Regulations may control access to surface or subsurface resources.*
COMMENTS	*- NWAs are planned and managed in close collaboration with local stakeholders.* *- Regulations for each NWA can be tailored to local needs.* *- Use permits are issued in consultation with the nearest communities. - NWAs offer a relatively flexible tool to protect an area and its wildlife. They may be established on Canada's lands, internal waters and territorial sea. They can include any habitat type - forest, wetland, mountain, aquatic, marine, etc. (over 25% of Canada's NWAs have a coastal or marine component).*
EXAMPLE	*Polar Bear Pass on Bathurst Island (Nunavut)* *Nirjutiqavvik (Cobourg Island) (Nunavut)*
CONTACT	*Habitat Biologist,* *Northern Conservation Division, Canadian Wildlife Service* *Box 2970* *Yellowknife NT X1A 2R2* *Phone: (867)669-4767, Fax: (867)873-8185*

PROTECTED AREA TOOLS IN THE NWT - 5

PROTECTED AREA TOOL	*MARINE WILDLIFE AREA (MWA)*
APPLIES TO	*Canada*
PURPOSE	*Similar to a National Wildlife Area (see tool #4), this designation focusses primarily on protecting marine birds and associated wildlife and their habitats.*
AGENCY	*Canadian Wildlife Service, Environment Canada*
LEGISLATION OR POLICY	*Canada Wildlife Act. It is anticipated that a management regime for a MWA would be developed using regulations under this Act as well as the Canada Shipping Act, Canada Oceans Act or the Fisheries Act depending on management goals for the area. Guided by Habitat Conservation Strategy & Plan for NWT (1993-2003).*
LAND/WATER USE CONTROLS	*Regulations can be developed for MWAs that provide for protection of marine wildlife and their habitat as well as the construction of facilities for wildlife research or public education. A management plan spelling out exact controls for each MWA would be developed through consultation.*
COMMENTS	*- This is a new, as yet untested tool. Regulatory authority was added to the Canada Wildlife Act in 1994 to establish protected marine areas in Canada's fishing zones out to the 200 nautical mile limit. National Wildlife Areas can control activities out to Canada's territorial limit of 12 nautical miles. Marine Wildlife Areas permit Canada to control activities from 12 to 200 nautical miles offshore (within restrictions imposed by international laws).* *- Mechanisms for co-management of MWAs are under development.*
EXAMPLE	*Currently none in Canada. Many ongoing studies to identify important marine bird habitats as potential MWAs.*
CONTACT	*Habitat Biologist, East* *Northern Conservation Division, Canadian Wildlife Service* *Box 2970* *Yellowknife NT X1A 2R2* *Phone: (867)669-4767, Fax: (867)873-8185*

PROTECTED AREA TOOLS IN THE NWT - 6

PROTECTED AREA TOOL	*MIGRATORY BIRD SANCTUARY (MBS)*
APPLIES TO	*Canada*
PURPOSE	*"Established to conserve the diversity of migratory birds in Canada by controlling and managing areas that are important for the protection of these birds, their nests and eggs."*
AGENCY	*Canadian Wildlife Service, Environment Canada*
LEGISLATION OR POLICY	*Migratory Birds Convention Act*
LAND USE CONTROLS	*- Traditional harvesting activities by aboriginal people permitted through negotiated land claim agreements and provisions.* *- Activities usually prohibited include: hunting migratory birds; disturbing, destroying, or taking the nests of migratory birds; possessing a live migratory bird or a carcass, skin, nest, or egg of a migratory bird; and allowing dogs and cats to run at large. Sometimes permits can be issued that authorize one of these prohibited activities usually for reasons of research, access, or land use.* *- Economic and industrial activities are allowed under permit as long as they do not threaten migratory birds and their habitat. Land use restrictions may be seasonal depending on sensitive breeding activities.*
COMMENTS	*Management of Migratory Bird Sanctuaries is done in consultation with all interested parties. However, there is no provision for formal agreements with other groups, agencies or governments. Sanctuary regulations may be amended only by Order-in-Council. This process may be lengthy and is not very flexible (compared to amending National Wildlife Area regulations for instance; see tool #4)*
EXAMPLE	*Kendall Island, Banks Island No.1 and 2 (Nunavut)* *Anderson River Delta, Cape Parry*
CONTACT	*Habitat Biologist, East* *Northern Conservation Division, Canadian Wildlife Service* *Box 2970* *Yellowknife NT X1A 2R2* *Phone: (867)669-4767, Fax: (867)873-8185*

PROTECTED AREA TOOLS IN THE NWT - 7

PROTECTED AREA TOOL	*MARINE PROTECTED AREA (MPA)*
APPLIES TO	*Canada*
PURPOSE	*The conservation and protection of commercial and non-commercial fishery resources, including marine mammals and their habitats; endangered or threatened marine species, and their habitats; unique habitats; and marine areas of high biodiversity or biological productivity.*
AGENCY	*Fisheries and Oceans Canada*
LEGISLATION OR POLICY	*Oceans Act*
LAND/WATER USE CONTROLS	*- Specific kinds of controls yet to be determined.* *- The Canada Oceans Act provides for the development of regulations to establish MPAs and to create special zones in which activities harmful to protected species or habitat could be prohibited.*
COMMENTS	*The process for creating MPAs will be developed over the next year in consultation with stakeholders. This process is intended to complement those in existence for MWAs under the Canada Wildlife Act and NMCAs under the National Parks Act. MPAs by their very nature cannot be effectively implemented or managed without the cooperative and collaborative efforts of all those with a legislative mandate, or interest in the marine environment. The federal government would like to see a national system of MPAs established and maintained.*
EXAMPLE	*This protected area tool is still in its early stages of development. No MPAs have been formally designated. There are currently 6 MPA pilot projects and initiatives (4 in the Pacific and 2 in the Atlantic)*
CONTACT	*National Coordinator, Marine Protected Areas* *Fisheries and Ocean Canada* *Station 12-223, 200 Kent Street* *Ottawa ON K1A 0E6* *Phone: (613)990-7389, Fax: (613)990-8249*

PROTECTED AREA TOOLS IN THE NWT - 8

PROTECTED AREA TOOL	*TERRITORIAL WILDLIFE (GAME) SANCTUARIES AND PRESERVES*
APPLIES TO	*Entire Northwest Territories*
PURPOSE	*Sanctuaries put special controls on hunting wildlife to protect particular species or species groups (e.g. muskox, bison, migratory birds). Preserves protect wildlife for the benefit of native hunters & trappers.*
AGENCY	*Resources, Wildlife and Economic Development, GNWT.*
LEGISLATION OR POLICY	*Wildlife Act*
LAND USE CONTROLS	*SANCTUARY* *- Traditional aboriginal harvesting activities generally permitted.* *- Hunting of threatened species prohibited except by special permit.* *- All non-native hunting prohibited except by special permit.* *- Possession of a bow or cross-bow prohibited.* *- All commercial hunting prohibited.* *- Collection of wild bird eggs or nests prohibited.* *PRESERVE* *- Only General Hunting Licence holders may hunt and trap in a preserve.* *- Hunting of threatened species prohibited except by special permit.*
COMMENTS	*Neither Sanctuaries nor Preserves protect land or wildlife habitat. These relatively inflexible mechanisms cannot be applied to new protected areas. The future management regime in existing sanctuaries and preserves will likely be determined by land claim negotiations. No new sanctuaries or preserves will be created.*
EXAMPLE	*Bowman Bay Wildlife Sanctuary & Mackenzie Bison Sanctuaries; Peel River Preserve.* *The Thelon Wildlife Sanctuary is a one-of-a-kind protected area designated under the NWT Wildlife Act and managed as a strict wilderness area under a DIAND land withdrawal*
CONTACT	*Director, Wildlife and Fisheries* *Resources, Wildlife and Economic Development, GNWT.* *Box 1320* *Yellowknife NT X1A 3S8* *Phone: (867)920-8064, Fax: (867)873-0293*

PROTECTED AREA TOOLS IN THE NWT - 9

PROTECTED AREA TOOL	*CARIBOU PROTECTION MEASURES*
APPLIES TO	*Entire Northwest Territories*
PURPOSE	*To prevent conflict between caribou and land use activities in calving grounds, post calving areas, water crossings and along migration routes to calving ground.*
AGENCY	*Department of Indian Affairs and Northern Development (DIAND)*
LEGISLATION OR POLICY	*Special regulations under the Territorial Lands Act*
LAND USE CONTROLS	*The following restrictions are placed on activities requiring a land use permit in designated protection areas between May 15 and July 15:* *- no work can be done when cows and calves are near;* *- no work can be done near water crossings;* *- no work can block or divert caribou from moving within or outside of the calving area.* *Permit holders in the surrounding protection area may work without a special permit yet must:* *- stop all work if any caribou cows appear near the site;* *- stop blasting, using snowmobiles or ATVs outside the camp and must not fly lower than 300 metres.* *As elsewhere, all harvesting activities are permitted within caribou protection areas subject to regulation under the NWT Wildlife Act.*
COMMENTS	*The Caribou Protection Measures provide a seasonal tool that protects caribou herds and their calving grounds from potentially harmful land uses. These measures have not been applied outside the Keewatin Region (Nunavut). These Measures protect caribou but offer no protection to habitat (e.g. calving grounds).*
EXAMPLE	*Beverly & Qamanirjuaq calving grounds, post-calving grounds, water crossings, and migration routes (Nunavut)*
CONTACT	*Lands Division* *Indian Affairs and Northern Development* *Box 1500* *Yellowknife NT X1A 2P2* *Phone: (867)669-2606, Fax: (867)669-2707*

PROTECTED AREA TOOLS IN THE NWT - 10

PROTECTED AREA TOOL	*CRITICAL WILDLIFE AREA (CWA)*
APPLIES TO	*Entire Northwest Territories*
PURPOSE	*"To protect wildlife and habitat from incompatible land uses."*
AGENCY	*Department of Resources, Wildlife and Economic Development, GNWT.*
LEGISLATION OR POLICY	*Wildlife Act*
LAND USE CONTROLS	*- Current regulations associated with the Wildlife Act do no more than describe the geographic area and time period (May 25 to June 15) for designated areas.* *- Land use controls and subsurface rights currently remain with DIAND or, where land claims are settled, an Aboriginal land administration body.* *- Wildlife management responsibility ultimately remains with RWED.*
COMMENTS	*- Proposed amendments to regulations aimed at protecting wildlife and their habitat would allow RWED to control how, when and where potentially harmful activities could occur.* *- Designation and management of CWAs would occur only with the cooperation and support of affected communities and wildlife management boards.* *- CWAs could be established to protect any terrestrial wildlife species that are important locally or regionally (i.e. they would not have to be of "national significance"). Permit conditions would reflect specific management criteria and respond to changing conditions without needing regulation changes.* *- Draft regulations have been under development since 1994. Renewable Resources recommended approval-in-principle to legislative amendments in 1995. Review by legal counsel and further public consultation is required.* *- In summary,* ***stronger CWA regulations would provide a flexible, northern-based tool to protect a wide variety of wildlife.***
EXAMPLE	*Nine caribou calving areas have been designated as CWAs.*
CONTACT	*Director, Wildlife and Fisheries* *Resources, Wildlife and Economic Development, GNWT.* *Box 1320* *Yellowknife NT X1A 3S8* *Phone: (867)920-8064, Fax: (867)873-0293*

PROTECTED AREA TOOLS IN THE NWT - 11

PROTECTED AREA TOOL	*SPECIAL MANAGEMENT AREA*
APPLIES TO	*Entire Northwest Territories*
PURPOSE	*To regulate hunting of certain wildlife species within a particular area.*
AGENCY	*Department of Resources, Wildlife and Economic Development, GNWT.*
LEGISLATION OR POLICY	*Wildlife Act*
LAND USE CONTROLS	*- Harvesting of selected species may be restricted within a defined area of land to protect a wildlife population.*
COMMENTS	*- This designation is often applied for reasons of public safety in areas of concentrated hunting activity along a road corridor. It has the potential to be used for a variety of other applications related to wildlife protection.* *- Any proposal for new Special Management Areas would be considered through public consultation with affected wildlife users.*
EXAMPLE	*Gordon Lake Area* *Dempster Highway Corridor*
CONTACT	*Manager, Licencing & Regulations* *Resources, Wildlife and Economic Development, GNWT* *Box 1320* *Yellowknife NT X1A 2L9* *Phone: (867)873-7905, Fax: (867)873-0163*

PROTECTED AREA TOOLS IN THE NWT - 12

PROTECTED AREA TOOL	*TERRITORIAL NATURAL ENVIRONMENT PARK & TERRITORIAL HISTORIC PARK*
APPLIES TO	*Entire Northwest Territories*
PURPOSE	*NATURAL ENVIRONMENT PARK: To provide recreation and tourism opportunities in a natural, undeveloped landscape.* *HISTORIC PARK: To designate, protect and interpret historic places and archaeological sites and their associated lands and artifacts for the education and enjoyment of the public.*
AGENCY	*Department of Resources, Wildlife and Economic Development, GNWT.*
LEGISLATION OR POLICY	*Territorial Parks Act* *Territorial Parks Policy*
LAND USE CONTROLS	*- Traditional harvesting activities permitted.* *- Sport fishing by non-natives is permitted under applicable laws.* *- Basic visitor facilities are provided in most types of parks.* *- Land uses compatible with park purposes are generally permitted.* *- Other commercial enterprises or industry allowed only by permit.* *- Surface control only; park regulations and Act do not control access to subsurface resources.*
COMMENTS	*- Environmental protection is not a primary purpose of Territorial Parks but may be a consequence of creating one.* *- Environmental clauses in the Parks Act deal mainly with garbage disposal, sewage, refuse and noxious material.* *- Establishment of a park may promote economic development opportunities through tourism and recreation.*
EXAMPLE	*Natural Environment Parks: Hidden Lake (NWT), Katannalik* *Historic Parks: Kekerten, Quammaarviit (Nunavut)*
CONTACT	*Director, Parks and Tourism* *Resources, Wildlife and Economic Development, GNWT* *Box 1320* *Yellowknife NT X1A 2L9* *Phone: (867) 873-7903, Fax: (867)873-0163*

PROTECTED AREA TOOLS IN THE NWT - 13

PROTECTED AREA TOOL	*FOREST MANAGEMENT AREA*
APPLIES TO	*Forested portions of the Northwest Territories*
PURPOSE	*To protect and manage forest resources (including wildlife).*
AGENCY	*Department of Resources, Wildlife and Economic Development, GNWT.*
LEGISLATION OR POLICY	*Forest Management Act* *Forest Management Regulations*
LAND USE CONTROLS	*Permits and licences issued under the Act control cutting, transport, scaling, milling and timber research and may contain special conditions on the following:* *- maintenance of wildlife habitat* *- protection of waterways* *- forest conservation* *- tree use standards & allowable cut* *- allowable equipment and infrastructure (e.g. roads)* *- general environmental protection* *The Act allows for the establishment of Forest Management Units, Zones and Areas to which such special conditions can apply.* *General land use permitting processes still apply to these areas.* *Traditional harvesting activities unaffected.*
COMMENTS	*Regulations are sufficiently flexible to allow for multiple use of prime forest areas while protecting key wildlife habitats and other natural values.*
EXAMPLE	*Forest Management Areas established in the Mackenzie Delta area to control cutting for firewood and timber. (Access to firewood for subsistence managed by Gwich'in RRC & RRB)*
CONTACT	*Director, Forest Management* *Resources, Wildlife and Economic Development, GNWT* *Box 7* *Fort Smith NT X0E 0P0* *Phone: (867) 872-7700, Fax: (867)872-2077*

PROTECTED AREA TOOLS IN THE NWT - 14

PROTECTED AREA TOOL	*TRAVEL RESTRICTED AREA/ZONE TRAVEL DEVELOPMENT AREA*
APPLIES TO	*Entire Northwest Territories*
PURPOSE	*TRAVEL RESTRICTED AREA: To restrict travel and tourism development in sensitive areas.* *TRAVEL RESTRICTED ZONE: To restrict outdoor recreational activities in a travel development area.* *TRAVEL DEVELOPMENT AREA: To regulate the orderly development and recreational use of any area.*
AGENCY	*Department of Resources, Wildlife and Economic Development, GNWT.*
LEGISLATION OR POLICY	*Travel and Tourism Act* *Travel Development Area Regulations*
LAND USE CONTROLS	*- Restriction on outdoor recreation and tourism for non-residents unless proper authorization has been obtained.* *- Travel permits in restricted areas may be required.* *- Permit conditions will vary according to specific area.* *- Access by non-resident may require the use of a qualified local guide.* *- No subsurface control.* *- Traditional harvesting activities are not affected by this designation.*
COMMENTS	*These areas are designated in order to control tourist activities in areas of high tourism potential. Proposals for restricted areas or zones can be made to the Minister of RWED by community or Aboriginal organizations. Final designation of an area would depend on consultation with all stakeholders.*
EXAMPLE	*Great Bear Lake Travel Development Area* *Tree River Restricted Zone (Nunavut)*
CONTACT	*Manager, Licencing & Regulations* *Resources, Wildlife and Economic Development, GNWT* *Box 1320* *Yellowknife NT X1A 2L9* *Phone: (867 873-7905, Fax: (867)873-0114*

PROTECTED AREA TOOLS IN THE NWT - 15

PROTECTED AREA TOOL	*AREA DEVELOPMENT ZONE*
APPLIES TO	*Commissioner's Lands throughout the Northwest Territories*
PURPOSE	*To regulate land uses in selected areas in order to promote or discourage certain types of development.*
AGENCY	*Department of Municipal and Community Affairs (MACA), GNWT*
LEGISLATION OR POLICY	*Area Development Act*
LAND USE CONTROLS	*- Development proposed for an area that has been set aside under this Act must undergo a special review by MACA.* *- Commissioner may impose zoning restrictions on portions of land for promoting or restricting certain forms of development.* *- This tool may restrict the use of firearms, construction of buildings and roads, and waste and sewage disposal.*
COMMENTS	*Though not traditionally used to manage land or water resources, this Act offers much potential for protecting special areas close to communities.*
EXAMPLE	*Hay River-Enterprise Corridor* *NWT Legislative Assembly building*
CONTACT	*Manager, Community Planning* *Community Operations Division* *Municipal and Community Affairs, GNWT.* *Box 1320* *Yellowknife, NT X1A 2L9* *Phone: (867)920-8916, Fax: (867)920-6343*

PART 3 - NON-LEGISLATED TOOLS

PROTECTED AREA TOOLS IN THE NWT - 16

PROTECTED AREA TOOL	***CANADIAN HERITAGE RIVERS SYSTEM (CHRS)***
APPLIES TO	*Canada*
PURPOSE	*To give national recognition to important rivers within Canada and to ensure their future management so the natural and human values which they represent are conserved and the opportunities they offer for recreation and heritage appreciation are realized.*
AGENCY	*The CHRS is a co-operative program run by the federal, provincial and territorial governments. It is overseen by a Board comprised of representatives appointed by each government. The CHRS secretariat is housed in Parks Canada.*
LEGISLATION OR POLICY	*Canadian Heritage Rivers System Objectives, Principles and Procedures Booklet (prepared by Parks Canada); includes specific Heritage Value Guidelines for judging a river's natural, historic and recreational merits.*
LAND USE CONTROLS	*- The identification of a river as a heritage river does not grant any legal or protected status though, like a Ramsar site (tool #18), this designation is one way of flagging an area for special land use considerations.* *- Management of Canadian heritage rivers in National Parks is supplemented by special measures to protect the values of the designated river system.*
COMMENTS	*- Agencies (including Aboriginal organizations) within whose jurisdiction the river lies are responsible for carrying out provisions of the management plan.* *- New sites would be jointly nominated by the Territorial and Federal governments with significant input from local communities.* *- Besides promoting long term conservation, this designation may also help identify and support tourism opportunities.*
EXAMPLE	*There are currently 19 designated Heritage Rivers in Canada, of which 2 are located in the Northwest Territories including the Nahanni and the Arctic Red Rivers.*
CONTACT	*Parks and Tourism* *Resources, Wildlife and Economic Development, GNWT* *Box 1320* *Yellowknife NT X1A 2L9* *Phone: (867)873-7903, Fax: (867)873-0163*

PROTECTED AREA TOOLS IN THE NWT - 17

PROTECTED AREA TOOL	*BIOSPHERE RESERVE*
APPLIES TO	*Global*
PURPOSE	*- To conserve all plants and animals within natural ecosystems and promote understanding of the area through education, scientific research and environmental monitoring.* *- The long term purpose of this program is to create a worldwide network of Biosphere Reserves that include examples of all of the globe's main ecosystems with their patterns of human interactions.*
AGENCY	*United Nations' Man and the Biosphere (MAB) program. There is no single agency in charge of Biosphere Reserves in Canada. The designation of sites is done through nominations sent to Canada/MAB by any government agency or private organization active in the field of nature conservation or resource management. Nominations are ultimately approved by UNESCO.*
LEGISLATION OR POLICY	*United Nations Educational Scientific & Cultural Organization (UNESCO) Biosphere Reserve Nomination Guidelines*
LAND/WATER USE CONTROLS	*- A Biosphere Reserve consists of a relatively undisturbed CORE AREA, such as a National Park or National Wildlife Area, and a surrounding BUFFER ZONE in which resource development proceeds in a carefully controlled and monitored fashion.* *- Land or water use controls in the core area are determined by the responsible agency (e.g. Parks Canada or Canadian Wildlife Service).* *- Controls in the buffer zone are determined by a joint management committee made up of representatives from local communities, government, industry and research organizations.*
COMMENTS	*Biosphere Reserves provide an opportunity to meet both protection and development goals with a minimum of conflict. Environmental research and monitoring programs can contribute to improved resource management practices.*
EXAMPLE	*Proposed Igalirtuuq National Wildlife Area (Isabella Bay, Baffin Island, Nunavut); Waterton Lakes National Park (in southern Alberta); Niagara Escarpment (Ontario)*
CONTACT	*Canada/MAB Secretariat* *Canadian Commission for UNESCO* *130 Albert Street, P.O. Box 1047* *Ottawa ON K1P 5V8* *Phone: (613)566-4330, Fax: (613)566-4390*

PROTECTED AREA TOOLS IN THE NWT - 18

PROTECTED AREA TOOL	*RAMSAR SITE - WETLAND OF INTERNATIONAL SIGNIFICANCE*
APPLIES TO	*Global*
PURPOSE	*To promote the protection and sustainable use of wetlands of international significance.*
AGENCY	*Main contact agency: Canadian Wildlife Service, Environment Canada*
LEGISLATION OR POLICY	*Convention on Wetlands of International Importance, also known as the Ramsar Convention (after Ramsar, Iran, the city where the Convention was signed).*
LAND USE CONTROLS	*- While the identification of an area as a Ramsar site has no legal or protective power in itself, it is one means of ensuring that the potential hazards of proposed development are thoroughly examined and that all possible measures to reduce the impacts are explored and put in place before any change in status occurs.* *- A management plan for each site outlines recommended allowable uses.* *- Traditional aboriginal harvesting activities are not affected by this designation.*
COMMENTS	*- This Convention is an intergovernmental treaty that provides the framework for international cooperation to protect the world's best wetland habitats. International cooperation is needed because many wetland systems are shared between nations and because wildlife dependent on these systems are migratory.* *- Proposals for Ramsar designation may be made by any group or agency.*
EXAMPLE	*There are currently 32 Ramsar sites identified in Canada, 6 of which are located in the Northwest Territories. Only 1 of these sites, the Rasmussen Lowlands, is not protected as either a bird sanctuary, national park or national wildlife area under federal legislation. Other examples include: Polar Bear Pass National Wildlife Area, Queen Maud Gulf & Dewey Soper Migratory Bird Sanctuaries (Nunavut).*
CONTACT	*Habitat Biologist, East NWT* *Northern Conservation Division, Canadian Wildlife Service* *Box 2970* *Yellowknife NT X1A 2R2* *Phone: (867)669-4767, Fax: (867)873-818*

PROTECTED AREA TOOLS IN THE NWT - 19

PROTECTED AREA TOOL	*WORLD HERITAGE SITE*
APPLIES TO	*Global*
PURPOSE	*To promote protection of natural and cultural features of international significance and to promote world-wide awareness of the importance of heritage conservation.*
AGENCY	*United Nations Educational Scientific & Cultural Organization (UNESCO). This program is administered in Canada by Parks Canada.*
LEGISLATION OR POLICY	*UNESCO World Heritage Convention (1972)*
LAND USE CONTROLS	*- Most World Heritage Sites are located in existing parks or other protected areas where land use activities are already controlled under national, provincial or territorial legislation.* *- No additional land use controls can be implemented by this designation.*
COMMENTS	*The World Heritage Site designation is more of a badge of honour to raise global awareness of outstanding natural or cultural values rather than a protected area tool unto itself. However, the international profile brought by this designation can lend strong support for sound management of an area's resources.*
EXAMPLE	*Wood Buffalo National Park* *Nahanni National Park Reserve*
CONTACT	*Northern Parks Advisor* *Parks Canada* *Box 1166* *Yellowknife NT X1A 2N8* *Phone: (867)669-2821 Fax: (867)669-2829*

PART 4 - POTENTIAL, UNUSED OR UNFINISHED TOOLS

INTRODUCTION

Resource management agencies that operate in the NWT are in the process of developing additional protection mechanisms. Others mechanisms are available but have not yet been used. Their level of effectiveness is thus uncertain. Protected area tools that fall into the above categories include the following:

Agency	Protected Area Tool	Status
Parks Canada, Canadian Heritage	**National Marine Conservation Area** (NMCA)	Policy in place, legislation being considered, no NMCA's established
Canadian Wildlife Service, Environment Canada	**Marine Wildlife Area** (MWA)	Regulatory authority in place, no MWA's established
Fisheries and Oceans	**Marine Protected Area** (MPA)	Act in place, no regulations, no MPA's established

Other mechanisms have been established by other jurisdictions in Canada and the United States. Similar instruments could be developed for use in the NWT by agencies of the Government of Canada, by the GNWT, or by regional resource management authorities established under land claim agreements, if there were felt to be a need for them. Developing such instruments would take time. However, if the protected area constituency in the NWT felt that there were a clear need for such instruments, recommendations to that effect could be included in the Protected Area Strategy.

It should be noted that it is not necessary to develop entirely new legislation in all cases. It may be possible simply to extend or strengthen existing legislation, in order that legislation might be clearly applicable to circumstances other than those for which it was initially intended. For example, new regulations were appended to the Canada Wildlife Act to make clear that a National Wildlife Area established under that statute could include marine components.

Some of these other instruments and the kinds of situations to which they are applicable are as follows:

1: Landmark Program:
A landmark corresponds to the IUCN category of "Natural Monument". The intent is to provide a tool that can be used to protect a single discrete landscape feature, such as a small vegetation community or an erosional feature. The area in question is likely to be quite small, and there is no intent to protect a large ecosystem consisting of many interacting species of plants and animals. A major reason for establishing the landmark is to facilitate appreciation and enjoyment by visitors.

Parks Canada tried for some time to establish such a program. The Inuvialuit Final Agreement even included provision for establishment of two specific landmarks within the Settlement Region - the Pingos of Tuktoyaktuk and Nelson Head on Banks Island. However, the program was eventually abandoned because of an apparent lack of interest and support on the part of provincial jurisdictions. The Pingos Site was eventually established under another designation. No action has yet been taken concerning Nelson Head.

2: Ecological Reserve:
Several jurisdictions in Canada have made provision for the establishment of Ecological Reserves. The purpose is to protect a relatively small ecological site primarily for research and study purposes. Such a reserve lends itself to the collection of baseline data and the monitoring of changes in the values of selected biophysical phenomena over time. Typically reserves would be established to protect such features as a peat bog, a karst sinkhole, an area of frost polygons, or an isolated patch of alpine tundra. BC and Quebec have long established and highly regarded systems of ecological reserves in Canada. The 1984 Report of the Northern Conservation Task Force recommended that both the Yukon and NWT establish such systems. The Yukon has done so, but the NWT has not.

Many of the NWT sites identified under the International Biophysical Program would lend themselves to establishment of ecological reserves. However, some of those IBP sites differ considerably both in character and in size from the kinds of areas that are generally included in such programs.

Ecological Reserves are not established with the intention of accommodating significant numbers of visitors. However, depending upon the jurisdiction concerned, efforts may be made to accommodate particular kinds of educational groups, such as ecology students or persons concerned with site rehabilitation practices.

3: Wilderness Area:
Several countries have made provision for the establishment of formal and legislated wilderness areas. The purpose of such a designation is to set aside areas from which, insofar as possible, all mechanized human activity is excluded. Thus not only is extractive commercial resource activity excluded, but use of any motorized activity for recreational purposes is also excluded. All motor vehicles are excluded. Travel by horseback and other traditional means is acceptable.

Modification of formal wilderness areas is generally limited to such limited intrusive elements as constructed trails (particularly foot-bridges), directional signs, and perhaps privies. Depending upon the jurisdiction, policy may require that construction of trails, for example, be completed without resorting to the use of chain-saws and other mechanical devices.

Legislated wilderness is established for various purposes, including protection of gene pools and the provision of "unaltered" natural systems for research and study purposes. The primary purpose, however, is to provide settings within which people living and working within industrial/commercial environments can enjoy recreational pursuits that stress physical activity, self-reliance, and solitude.

The system of Wilderness Areas established in the United States under the 1964 Wilderness Act is the best known system of this kind. Newfoundland and the Yukon are amongst the Canadian jurisdictions that have also established such systems.

4: Cultural Landscape:

There is as yet little experience in Canada with use of this type of mechanism, equivalent to "Protected Landscape" in the IUCN list. The national parks of England and Wales provide examples of this mechanism. Early in 1998, the Government of Canada designated Scented Grass Hills and Grizzly Bear Mountain in the Sahtu as national historic sites. Designation in and of itself does not imply any change in either land tenure or land management regime. However, it is possible that as the various concerned parties jointly come to an understanding with respect to management of these lands in the Sahtu, the result could constitute an interesting example of formal establishment and management of a cultural landscape.

5: Tribal Park:

The phrase "tribal park" has been quite widely used in several countries in the past generation. There is as yet no consensus on a precise definition, either within Canada or internationally. The term is used to apply to widely differing kinds of situations. Some of those situations are as follows:

a) Land traditionally occupied by a particular Aboriginal group is owned by that group but transferred under long term lease agreement to a provincial/state or federal agency which then operates a park on that land. Generally there is provision for continuation of specified activities by the Aboriginal group and for preferential access to economic opportunities by members of that group.

b) Land held by an Aboriginal group is designated as a park. The Aboriginal land management authority then carries out a range of resource management and visitor service functions. For example, the Navajo in Arizona have designated an area within their reserve lands as a tribal park, and manage it as such for use both by residents of the reservation and by visitors from elsewhere.

c) Land is held by an Aboriginal group, and as per a negotiated agreement, a park is operated on that land by an agency of public government. Generally again, there is provision for continuation of specified activities by the Aboriginal group, and for preferred access by members of that group to training, employment, and business opportunities.

d) Land remains legally held by public government, but is occupied by an Aboriginal group which carries out a range of resource management and visitor service functions.

Widely differing arrangements are thus possible. Normally, however, the Aboriginal group that traditionally lived in the area continues to live there, to use park lands in some way, and to provide some services to park visitors. Arrangements will vary concerning land tenure and the funding and management of park operations.

Protected areas that could be termed tribal parks can be found in the United States (Navajo Tribal Parks) Australia (National Parks on Aboriginal titled lands) and various parts of Canada (proposed Haida Duu Guusd Park on Queen Charlotte Islands, B.C.).

6: Total Landscape Management (TLM)

Total Land Management is a unique but relatively untested approach to land protection presented by Mr. Ed Hanna, DSS Management Consultants Inc. at the October 21-22, 1998 PAS workshop held in Yellowknife.

In a July 1998 Discussion Paper from the Prospectors & Developers Association of Canada, Total Landscape Management is described as "an integrated ecosystem approach to land use which establishes as an absolute priority the conservation of biological diversity. It is based on the premise that landscape, including both natural and man-made disturbances, should be managed in its entirety rather than for individual sectoral purposes, so that the fundamental ecological characteristics and dynamics of the landscape are reasonably conserved. This comprehensive approach to land encompasses many tools, including the judicious use of exclusive use protected areas to give unique and exceptional areas a higher level of protection."

Mr. Hanna suggests that "Total Landscape Management (TLM) is a strategy to manage the *entire* land base to conserve biodiversity while allowing multiple uses to occur where such use can be shown to be consistent with the overarching biodiversity conservation goal. TLM requires the land, as an intact natural system, to be managed such that the natural diversity of populations, species, ecological communities and landscape patterns will be sustained..."

Promoters of the TLM approach suggest that it is a particularly valuable tool where the majority of the land base is in public ownership and under the control of one resource manager. They promote the planning of resource development projects within a broad ecological context and suggest that they must be designed "to emulate natural patterns of disturbance and change".

According to the TLM approach, fixed-boundary protected areas are recognized as being warranted only in cases where the natural values being protected have a fixed location, are particularly sensitive and have a high attraction/use/value by people.

SUPPORTING DOCUMENT 2

PROTECTED AREAS - COMMITMENTS AND PROGRESS

Over the last decade, government institutions and industry alike have made commitments calling for the establishment of a network of northern protected areas. Note that statements below relate to setting aside 12 percent of a particular land area for protected areas. This percentage does not specifically apply to the NWT Protected Areas Strategy. Rather this Strategy recognizes that targets for completing a network of protected areas should be set primarily by appropriate regional bodies.

Joint Federal-Territorial Task Force on Northern Conservation, 1984:
Establish a network of protected areas where necessary to maintain in perpetuity cultural resources and representative or unique ecosystems, their ecological processes and genetic diversity...A carefully planned network of protected areas is required to deal with management needs reflecting concerns at local, territorial, national and international levels.

World Commission on Environment and Development, *Our Common Future*, (Brundtland Report), 1987:
Today, the worldwide network of protected areas totals more than four million square kilometres ... But a great deal more remains to be done; a consensus of professional opinion suggests that the total expanse of protected areas needs to be at least tripled if it is to constitute a representative sample of the Earth's ecosystems.

Government of Northwest Territories, *Sustainable Development Policy*, 1990:
Conservation Areas Objective: Whereas the Government of the Northwest Territories will promote the consistent application of sustainable development principles to all lands and waters within the NWT, it recognizes the need for conservation areas to protect special values related to wildlife and wildlife habitat, unique or representative ecosystems, prime forests, productive agricultural soils, and heritage, recreational, tourism, scientific and aesthetic resources.
Non-Renewable Resource Objective: The Government of the Northwest Territories will promote exploration, development and use of mineral, aggregate and fossil fuel resources in ways that provide lasting social and economic benefits while maintaining ecological processes and natural diversity.

Government of Canada, *Canada's Green Plan, 1990:* By 1996, the Federal Government will establish five new national parks and, by 2000, we will negotiate agreements for 13 more. By 1996, three new marine parks will be added. By 2000, sites for three additional marine parks will be identified ...Canada's goal: Set aside as protected space 12 percent of the country.

House of Commons, *Unanimous Resolution*, June 17, 1991:
That, in the opinion of this House, the government should consider the advisability of preserving and protecting in its natural state at least 12 percent of Canada by working cooperatively with the

Provincial and Territorial Governments and assisting them to complete the protected area networks by the year 2000.

Canadian Council of Forest Ministers, *Canada Forest Accord; Sustainable Forests: A Canadian Commitment,* 1992 (also signed by forest industry, labour, Aboriginal and conservation group representatives):
All members of the forest community will work towards completing, by the year 2000, a network of protected areas representative of Canada's forests to provide ecological benchmarks, protect areas of unique biological value and ensure wilderness experience.

Canadian Council of Ministers of the Environment, Canadian Parks Ministers' Council, Wildlife Ministers' Council of Canada, A *Statement of Commitment to Complete Canada's Networks of Protected Areas, 1992:*
Council members will make every effort to complete Canada's networks of protected areas representative of Canada's land-based natural regions by the year 2000 and accelerate the protection of areas representative of Canada's marine natural regions.

The Canadian Chamber of Commerce, *Unanimous Resolution,* September 21, 1993:
That the Federal, Provincial and Territorial Governments work co-operatively with the private sector and the Canadian public to establish a system of protected areas (including wilderness areas, ecological reserves, national parks, provincial parks, natural areas, wildlife refuges), that is consistent with economic realities, to represent the diversity in all the natural regions of Canada by the year 2000, as expressed in the 'Premises' and 'Commitments' endorsed by the nation's Parks, Environment and Wildlife Ministers in their November 1992 Tri-Council Statement of Commitment.

Whitehorse Mining Initiative, Leadership Accord, 1994 (signed by mining industry, regulatory, labour, Aboriginal and conservation group representatives):
Our Principle - Protected areas networks are essential contributors to environmental health, biological diversity, and ecological processes, as well as being a fundamental part of the sustainable balance of society, economy and environment.
Our Goals - To create and set aside from industrial development by the year 2000 those protected areas required to achieve representation of Canada's land-based natural regions.
To use, after establishing where they do not already exist, clear scientifically based criteria for determining both the number of regions and the amount of a region that need to be protected in order to achieve representativeness.
To ensure that the selection of protected areas is undertaken consistently across all jurisdictions, including an identification of candidate protected areas by government, based upon scientific criteria, followed by consultation with the mining industry and all other stakeholders, and final selection taking into account appropriate economic, environmental and social information.

Government of Canada, Minister of Indian & Northern Affairs and Northern Development, News Release, Canada's First Diamond Mine One Step Closer, Ottawa, August 8, 1996:
"...Furthermore, the governments of Canada and Northwest Territories, Aboriginal groups and interested parties, will be working together to put a protected areas strategy in place in the Northwest Territories by the end of 1998."

Government of Canada, *letter to WWF International from Mr. Tom MacDonald, Minister (Commercial/Economic), Canadian High Commission (U.K),* February 25, 1997:
Consistent with the goals of Canada's 1992 Forest Accord, the forest community will continue its work towards completing a network of ecological reserves by the year 2000. This network will consist of sites that are representative of Canada's diverse forests, and serve as benchmarks, protect forest land of unique biological value and preserve wilderness areas. In this way, the forest community has lent its support to the Canadian commitment to establish protected areas representing up to 12 percent of the land base.

***Government of Canada's report to the fourth meeting of Conference of the Parties to the Convention on Biodiversity,* May, 1998:**
The establishment of protected areas is an important element of Canada's effort to conserve biodiversity. Protected areas contribute to the conservation of biodiversity, although they must be complemented by sound stewardship across the entire country, with particular attention to areas around protected areas.
... (Referring to the federal report *Implementing the Canadian Biodiversity Strategy: Protected Areas).* With clearly stated targets, the report describes the Federal Government's plans for fulfilling its commitment to complete the federal network of protected areas representative of Canada's land-based natural regions by the year 2000.

SUPPORTING DOCUMENT 3

AN ECOLOGICAL APPROACH TO PROTECTED AREA PLANNING

Introduction

There are many ways to look at the land and its values. Each person sees the land differently depending on whether he or she is, for example, an elder, hunter, biologist, forester, miner or tourist. Protected areas planning needs to bring together a mix of perspectives on the land to identify the full range of values that may require long term protection.

Ecoregion Representation and Landscape Units

One way to identify areas important for wildlife, biodiversity, and other ecological values is to divide the land into different kinds of habitats which can be mapped over large regions. Such an ecological approach can bring essential information to the planning table. This information can in turn be blended with local knowledge gathered through land use planning and other community based processes.

Protection of biodiversity, the richness and variety of life, is the main focus of an ecological approach to protected areas planning. The underlying principle is that this can best be achieved by protecting representative samples of natural regions - or ecoregions. One of the goals of the NWT Protected Areas Strategy is to **protect representative areas within each ecoregion** of the Northwest Territories.

A framework of ecoregions, reflecting broad-scale landscape characteristics of climate and landforms, has been identified for the Northwest Territories, Canada and North America. Each ecoregion in the NWT has in turn been divided into a patchwork of smaller habitat types called **landscape units**. Landscape units are recognized by differences in rock, soils and terrain features. Unlike plants and animals that can be disturbed by human or natural changes, landscape units endure over many years. They are therefore well suited for use in the planning and management of protected areas over the long term. Landscape units are the building blocks of biodiversity. The more types of landscape units in an ecoregion, the more diverse are its plants, habitats and wildlife.

An important first step in protecting biodiversity in an ecoregion is to identify its variety of landscape units. A representation of landscape units provides a good first cut to identify areas important for biodiversity conservation, and thus potential protected areas. Additional ecological and cultural information on special habitats, important ranges of wildlife species, traditional harvesting areas, and economic development potential can help refine the delineation of boundaries for a proposed protected area.

SUPPORTING DOCUMENT 4

PROVISIONS FOR PROTECTED AREAS IN LAND CLAIMS SETTLEMENTS WITHIN THE WESTERN NORTHWEST TERRITORIES

INTRODUCTION

This paper presents excerpts from land claim settlements in the western Northwest Territories (NWT) that illustrate protected area processes, mechanisms and priorities from regions with settled claims. Its purpose is two-fold: 1) in areas with settled claims, to promote practical working linkages between claim provisions relevant to protected areas and the provisions of this Protected Areas Strategy; and 2) in areas with outstanding claims or treaty issues, to promote discussion on different approaches to protected area implementation.

Because of the detail and length of text involved, the following excerpts are presented in a reduced font size.

EXCERPTS FROM THE SAHTU DENE & METIS COMPREHENSIVE LAND CLAIM AGREEMENT

16 NATIONAL PARKS

16.1 GENERAL

16.1.1 The purpose of national parks established in the settlement area is to preserve and protect for future generations representative natural areas of national significance, including the wildlife resources of such areas, and to encourage public understanding, appreciation and enjoyment of such areas, while providing for the rights of the participants under this agreement to use such areas for the harvesting of wildlife and plants.

16.1.2 The wildlife harvesting rights of the participants and the wildlife management provisions of this agreement shall apply in national parks in the settlement area, as modified by the provisions of this chapter.

16.1.3 The traditional and current use of lands within a national park by the participants shall be recognized in policies and public information programs and materials.

16.1.4 Park management plans and guidelines for national parks shall respect:

(a) Sahtu burial sites and places of religious and ceremonial significance; and

(b) Sahtu historic and archaeological sites.

16.1.5 Exploration for and development of minerals shall not be permitted within a national park, except as may be required for construction purposes within the park.

16.1.6 Except as otherwise provided in this agreement, all national parks in the settlement area shall be planned, established and managed pursuant to the *National Parks Act*, R.S. 1985, c. N-14, and other legislation, the national parks policy and park management plans in effect from time to time.

16.1.7 Once established, the boundaries of a national park shall not be reduced without the consent of the Sahtu Tribal Council. The boundaries of a national park shall not be enlarged except by Order-in-Council, proclamation or legislation after consultation with the Sahtu Tribal Council.

16.2 IMPACT AND BENEFIT PLANS

16.2.1 Prior to establishment of a national park in the settlement area, a Sahtu Impact and Benefit Plan for the proposed park shall be jointly prepared by government and the Sahtu Tribal Council for the approval of the Minister.

16.2.2 Impact and Benefit Plans shall address the impact of the establishment and development of the park on the affected Sahtu community or communities in accordance with the provisions of this agreement and shall describe the steps that will be taken by government in the establishment of the park. In particular, the plan may include provisions relating to:

(a) the National Park Management Committee ("the Committee") described in 16.3;

(b) the continued use of participants' camps, cabins and traditional travel routes for the exercise of the harvesting rights of the participants in the park;

(c) economic and employment opportunities for the participants and measures which will be adopted to assist participants to take advantage of such opportunities, in accordance with the preference provided for in 16.7;

(d) mitigation of potential negative impacts of park establishment on the affected Sahtu community or communities;

(e) routes and locations for public access to the park; and

(f) other matters of concern to government or the affected Sahtu community or communities.

16.2.3 If the Sahtu Tribal Council and government fail to reach agreement on a plan for a proposed park within a reasonable period of time, each party may submit its own plan to the Minister for the Minister's consideration and decision. The Minister shall give written reasons for a decision.

16.2.4 All plans shall contain provisions providing for a review of the plan not less than once every 10 years.

16.3 NATIONAL PARK MANAGEMENT COMMITTEES

16.3.1 A Committee shall be established for each national park in the settlement area at the time the park is established.

16.3.2 (a) The Committee shall consist of equal numbers of members to be appointed by the appropriate Renewable Resources Council or Councils and by the Minister in consultation with the Government of the Northwest Territories. For each member appointed there shall be appointed an alternate member in the same manner.

(b) Each member shall exercise one vote.

(c) The Park Superintendent or his or her designate shall sit as an ex-officio, non-voting member.

(d) The Committee shall choose from its members a chairperson who shall serve a fixed term and shall vote only in the event of a tie. The party who appointed the member who was selected as chairperson shall name a replacement to the Committee. If the Committee fails to agree on a chairperson within a reasonable period of time, the Minister shall select the chairperson from the Committee.

(e) All appointments shall be for a fixed term. A member may be removed from office for cause by the authority responsible for his or her appointment.

(f) The Committee may meet as often as necessary, but shall hold at least two meetings annually.

(g) The Committee may establish its own rules of procedures respecting the conduct of its business.

16.3.3 The Committee may advise the Minister or the Minister's designate, the Renewable Resources Board or agencies of government, as appropriate, with respect to the following matters:

(a) all matters affecting the national park which lie within the Renewable Resources Board's powers and responsibilities;

(b) interim management guidelines, park management plans and any amendments to them;

(c) park employment, training plans and economic opportunities for participants associated with the development and operation of the park;

(d) any proposed changes to park boundaries;

(e) issuance of permits for cabins or camps which may be required for the exercise of the harvesting rights of the participants;

(f) measures to give protection to sites, within the park, of cultural and spiritual significance to the participants and of archaeological significance;

(g) information and interpretive programs to recognize participants traditional use of the park area;

(h) research and field work conducted by or for government in a national park; and

(i) any other matters which may be referred to the Committee by the Minister, the Renewable Resources Board or agencies of government.

16.3.4 The Minister shall advise the Committee in writing of reasons for rejection of any advice provided and afford the Committee an opportunity for further consideration of the matter.

16.4 PARK PLANNING AND MANAGEMENT

16.4.1 Interim management guidelines for a national park shall be prepared by the Canadian Parks Service, in consultation with the Committee, within two years of establishment of a national park.

16.4.2 A park management plan shall be prepared by the Canadian Parks Service in consultation with the Committee within five years of establishment of a national park, and shall be reviewed and revised as required from time to time and not less than every 10 years.

16.4.3 Park management plans shall be approved by the Minister prior to coming into force.

16.4.4 To the extent feasible, interim management guidelines and park management plans shall be prepared in the settlement area.

16.4.5 Park management plans shall describe the policies which guide the conservation and management of the park and its resources.

16.5 WILDLIFE

16.5.1 National parks shall be managed in a manner which provides for wildlife harvesting by the participants, consistent with the protection of wildlife habitat, the maintenance of viable wildlife populations, and the natural evolution of ecosystems and their associated plant and animal species, as well as public use and enjoyment of the national parks.

16.5.2 Wildlife management within national parks shall be compatible with wildlife management in surrounding areas to the extent possible, consistent with national parks objectives and policies.

16.5.3 Except for the harvesting of fur bearers, the harvesting of wildlife within national parks by participants shall be limited

to the personal use of the participants or for trade with other participants for their personal use or with other aboriginal persons referred to in 13.4.16 for their personal use.

16.5.4 Permits may be required for the location of cabins and camps required for the exercise of participants' harvesting rights; such cabins and camps shall conform to interim management guidelines and park management plans. Permits shall be issued by the Park Superintendant without charge.

16.5.5 Sport fishing may be permitted, subject to the provisions of chapter 13. Subject to 16.5.3, hunting shall not be permitted in any national park.

16.5.6 Any allocation of the harvesting rights of the participants among individual harvesters shall be the responsibility of the appropriate Renewable Resources Council.

16.5.7 Persons who are not participants and who:

(a) held General Hunting Licences at the date of settlement legislation and lawfully harvested wildlife; or

(b) otherwise lawfully harvested wildlife for subsistence purposes;

in the area comprised by a park at the time of its establishment, and the children of such persons, may continue to harvest wildlife after the establishment of the park, if permitted by and in accordance with the *National Parks Act*, R.S. 1985, c. M-13.

16.6 PLANTS AND TREES

16.6.1 Participants may gather plant material for food, medicine, cultural and other personal purposes and for purposes required in the exercise of wildlife harvesting rights within the park subject to park management plans and to legislation in respect of conservation, public health, public safety and protection of the environment from significant damage. This right includes the cutting of trees for construction and maintenance of cabins and camps and for fuel.

16.7 ECONOMIC AND EMPLOYMENT PROVISIONS

16.7.1 The parties intend that qualified participants will hold a majority of jobs in national parks in the settlement area. To this end, training opportunities, as described in the Impact and Benefit Plan, shall be provided to assist participants to qualify for such employment.

16.7.2 To the extent that commercial and economic activities related to wildlife and tourism may be permitted in national parks, the Sahtu Tribal Council shall have the right of first refusal to any new licences to carry on such activities and to take up licences in force at the date of settlement legislation that are not renewed, as provided in 13.7.

16.7.3 In the event that manipulation of wildlife populations by way of a controlled hunt is required in a national park within the settlement area, the participants shall be given the preferential right to conduct the hunt in co-ordination with park officials, and to dispose of wildlife parts and products resulting therefrom outside the park, in accordance with this chapter.

16.8 BLUENOSE NATIONAL PARK

16.8.1 (a) A national park is proposed to be established to include Bluenose Lake and the watershed of the Hornaday River.

(b) If the park includes lands within the settlement area, the Sahtu Tribal Council shall be consulted with respect to the establishment of the park and, subject to 16.8.2, the provisions of this chapter shall apply.

16.8.2 (a) The parties may agree that 16.2 does not apply within Bluenose National Park.

(b) 16.3 shall not apply within Bluenose National Park. The Sahtu Tribal Council shall be entitled to nominate one member to any committee established to manage the park if lands within the settlement area form part thereof.

(c) 16.7.2 and 16.7.3 shall apply only with respect to activities described therein that are carried on in that part of the park within the settlement area.

17 PROTECTED AREAS

17.1 GENERAL

17.1.1 In this chapter,

"territorial park" means an area dedicated as a recreation park under 3(1)(a) and (b) of the *Territorial Parks Act*, R.S.N.W.T. 1988, c. T-4, and any other territorial park outside local government boundaries the area of which exceeds 130 hectares.

17.1.2 Except as otherwise provided in this agreement, protected areas shall be planned and managed pursuant to legislation respecting protection of the resources in the protected areas.

17.1.3 Except as otherwise provided in this chapter, the provisions of chapters 13, 14 and 15 apply in any protected area established in the settlement area.

17.2 PLANNING AND MANAGEMENT

17.2.1 (a) Government shall consult with the Sahtu Tribal Council and with affected communities prior to the establishment of any protected area, or changes in the boundaries of an established protected area. Such consultation shall commence not less than 12 months prior to the establishment of the protected area or the change in boundaries.

(b) In an emergency for reasons of conservation, such consultation may take place in a shorter period. In the event of an emergency for reasons of conservation which requires immediate government action, government shall consult with the Sahtu Tribal Council as soon as possible after the establishment of a protected area on the necessity of the action and the terms and conditions attached thereto.

17.2.2 The Government of the Northwest Territories shall consult with the Sahtu Tribal Council and with affected communities prior to the establishment of any territorial park which is not included in the definition of territorial park under this chapter.

17.2.3 The Government of the Northwest Territories may prepare a park management plan for each territorial park which describes the policies which will guide the conservation and management of the park and its resources. The Sahtu Tribal Council shall be invited to participate in the preparation of any plan. A park management plan shall be approved by the Minister before coming into force. The use by participants shall be in accordance with the applicable interim management guidelines or park management plan.

17.2.4 Any allocation of participants' harvesting rights among participants in protected areas shall be the responsibility of the appropriate Renewable Resources Council.

17.2.5 The harvesting of wildlife, plants and trees by participants may be restricted in protected areas or parts of protected areas for conservation or other reasons as set out in chapters 13, 14 and 15 or related to the management of the protected area. Any proposed restrictions shall be included in a protected area agreement dealing with impacts and benefits to be negotiated between the designated Sahtu organization in the affected Sahtu communities and government. In the event that a protected area agreement is not concluded within two years of the commencement of negotiations, each party may submit its own proposal to the Minister responsible for the protected area for consideration and decision. The Minister shall give written reasons for a decision.

17.2.6 A protected area agreement may include provisions relating to:

(a) employment of participants;

(b) training of participants;

(c) protection of the religious, cultural and historic sites of participants;

(d) mitigation of potential negative impacts of the establishment of the protected area on affected participant harvesters and their communities;

(e) participation of the participants in management committees or other similar structures relating to the development and administration of the protected area;

(f) any interim management guidelines or management plan;

(g) periodic review of the protected area agreement not less than once every 10 years;

(h) the continued use of the camps and traditional travel routes of participants to assist harvesting and other traditional uses; and

(i) other matters of concern to the affected Sahtu communities and government.

17.2.7 It is the objective of the parties that qualified participants be employed at all occupational levels in protected areas. Government shall identify employment opportunities in respect of the management and administration of protected areas and shall provide appropriate training opportunities for participants as set out in the implementation plan. For any protected area established after the date of settlement legislation, the nature and extent of the training opportunities shall be set out in the protected area agreement.

17.2.8 To the extent that outfitting, guiding and naturalist commercial activities, including tourist establishments related to such activities and facilities for the manufacture or sale of handicrafts, may be permitted in protected areas, the Sahtu Tribal Council shall have the right of first refusal to any new licences to carry on such activities and to take up licences in force at the date of settlement legislation that are not renewed and are available. The procedures set out in 13.7.5(b) shall apply, where appropriate, to such right with such modifications as the circumstances require.

17.2.9 To the extent that commercial wildlife activities including commercial harvesting are permitted in protected areas, the Sahtu Tribal Council shall have the right of first refusal to any new licence for such activities. The procedures set out in 13.7.2 or 13.7.5(b) shall apply, where appropriate, to such right with such modifications as the circumstances require.

17.2.10 In the event that manipulation of wildlife populations is required in a protected area, the Sahtu Tribal Council shall be given the first opportunity to conduct the hunt and to dispose of wildlife parts and products resulting therefrom in accordance with a plan to be approved by officials responsible for the protected area.

17.3 CANOL TRAIL AND DODO CANYON

17.3.1 (a) Within three months of the date of settlement legislation, the Government of the Northwest Territories shall submit to Canada a proposal for the creation of a territorial park (or parks) within the lands described in schedule XXI, appendix E, including a request for a reserve of such lands.

(b) Canada shall make a decision with respect to the proposal in (a) within two months of the date of its submission.

(c) The Government of the Northwest Territories shall, within three years of the date of the reservation of lands, submit an application to Canada for the transfer of such lands. The application shall include a park management plan (or plans).

(d) Canada shall make a decision with respect to the application in (c) within one year.

(e) Subject to existing rights, titles or interests in the lands in (a) existing at the date of settlement legislation, Canada shall not, prior to a decision with respect to the application in (c), dispose of any interest in such lands or authorize any activity in such lands where the disposition of that interest or the authorization of that activity would be inconsistent with the establishment of a territorial park. To the extent that legislation permits subsurface exploration and development within territorial parks, this provision shall not prevent government from authorizing subsurface exploration and development in the lands in (a).

(f) For greater certainty, a territorial park (or parks) created on the Canol Trail/Dodo Canyon shall be a protected area within the meaning of this agreement.

(g) Nothing in 17.3 requires Canada or the Government of the Northwest Territories to develop, establish or operate a territorial park (or parks) in the vicinity of Canol Trail and Dodo Canyon but in the event that a territorial park (or parks) is established, the costs of developing, establishing and operating the park (or parks), other than the incremental costs which, in the absence of this agreement are costs that would not have been incurred by the Government of the Northwest Territories, shall not be costs of implementing this agreement.

17.4 KELLY LAKE PROTECTED AREA

17.4.1 (a) The lands described in schedule XXII, appendix E, shall be set aside and protected by Canada in order to preserve the natural environment of the area in its natural state for the benefit and enjoyment of the public.

(b) Subject to existing rights, titles or interests in the lands in (a), Canada shall withdraw the lands in (a) from the disposition of surface interests at the same date as the withdrawal of lands pursuant to 1.12 of appendix C.

EXCERPTS FROM THE GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT

15 NATIONAL PARKS

15.1 GENERAL

15.1.1 The purpose of national parks established in the settlement area is to preserve and protect for future generations representative natural areas of national significance, including the wildlife resources of such areas, and to encourage public understanding, appreciation and enjoyment of such areas, while providing for the rights of the Gwich'in under this agreement to use such areas for the harvesting of wildlife and plants.

15.1.2 Gwich'in wildlife harvesting rights and wildlife management provisions of this agreement shall apply in national parks in the settlement area, as modified by the provisions of this chapter.

15.1.3 The traditional and current use of lands within a national park by the Gwich'in shall be recognized in policies and public information programs and materials.

15.1.4 Park management plans and guidelines for national parks shall respect:

(a) Gwich'in burial sites and places of religious and ceremonial significance; and

(b) historic and archaeological sites.

15.1.5 Exploration for and development of minerals shall not be permitted within a national park, except as may be required for construction purposes within the park.

15.1.6 Except as otherwise provided in this agreement, all national parks in the settlement area shall be planned, established and managed pursuant to the National Parks Act, R.S. 1985, c. M-13, and other legislation, the national parks policy and park management plans in effect from time to time.

15.1.7 Once established, the boundaries of a national park shall not be reduced without the consent of the Gwich'in Tribal Council. The boundaries of a national park shall not be enlarged except by Order-in-Council, proclamation or legislation after consultation with the Gwich'in Tribal Council.

15.2 IMPACT AND BENEFIT PLANS

15.2.1 Prior to establishment of a national park in the settlement area, a Gwich'in Impact and Benefit Plan for the proposed park shall be jointly prepared by government and the Gwich'in Tribal Council for the approval of the Minister.

15.2.2 Impact and Benefit Plans shall address the impact of the establishment and development of the park on the affected Gwich'in community or communities in accordance with the provisions of this agreement and shall describe the steps that will be taken by government in the establishment of the park. In particular, the plan may include provisions relating to:

(a) the National Park Management Committee ("the Committee") described in 15.3;

(b) the continued use of Gwich'in camps, cabins and traditional travel routes to assist harvesting in the park;

(c) economic and employment opportunities for the Gwich'in and measures which will be adopted to assist Gwich'in to take advantage of such opportunities, in accordance with the preference provided for in 15.7;

(d) mitigation of potential negative impacts of park establishment on the affected Gwich'in community or communities; and

(e) other matters of concern to government or the affected Gwich'in community or communities.

15.2.3 If the Gwich'in Tribal Council and government fail to reach agreement on a plan within a reasonable period of time for proposed parks, each party may submit its own plan to the Minister for his or her consideration and decision. The Minister shall give written reasons for a decision.

15.2.4 All plans shall contain provisions providing for a review of the plan not less than once every 10 years.

15.3 NATIONAL PARK MANAGEMENT COMMITTEES

15.3.1 A Committee shall be established for each national park in the settlement area at the time the park is established.

15.3.2 (a) The Committee shall consist of equal numbers of members to be appointed by the appropriate Renewable Resources Council or Councils and by the Minister in consultation with the Government of the Northwest Territories. For each member appointed there shall be appointed an alternate member in the same manner.

(b) Each member shall exercise one vote.

(c) The Park Superintendent or his or her designate shall sit as an ex-officio, non-voting member.

(d) The Committee shall choose from its members a chairperson who shall serve a fixed term and shall vote only in the event of a tie. The party who appointed the member who was selected as chairperson shall name a replacement on the Committee. If the Committee fails to agree on a chairperson within a reasonable period of time, the Minister shall select the chairperson from the Committee.

(e) All appointments shall be for a fixed term. A member may be removed from office for cause by the authority responsible for his or her appointment.

(f) The Committee may meet as often as necessary, but shall hold at least two meetings annually.

(g) The Committee may establish its own rules of procedures respecting the conduct of its business.

15.3.3 The Committee may advise the Minister or the Minister's designate, the Renewable Resources Board or agencies of government, as appropriate, with respect to the following matters:

(a) all matters affecting the national park which lie within the Renewable Resources Board's powers and responsibilities;

(b) interim management guidelines, park management plans and any amendments to them;

(c) park employment, training plans and economic opportunities for participants associated with the development and operation of the park;

(d) any proposed changes to park boundaries;

(e) issuance of permits for cabins or camps which may be required for the exercise of Gwich'in harvesting rights;

(f) measures to give protection to sites, within the park, of cultural and spiritual significance to the Gwich'in and of archaeological significance;

(g) information and interpretive programs to recognize Gwich'in traditional use of the park area;

(h) research and field work conducted by or for government in a national park; and

(i) any other matters which may be referred to the Committee by the Minister, the Renewable Resources Board or agencies of government.

15.3.4 The Minister shall advise the Committee in writing of reasons for rejection of any advice provided and afford the Committee an opportunity for further consideration of the matter.

15.4 PARK PLANNING AND MANAGEMENT

15.4.1 Interim management guidelines for a national park shall be prepared by the Canadian Parks Service, in consultation with the Committee, within two years of establishment of a national park.

15.4.2 A park management plan shall be prepared by the Canadian Parks Service in consultation with the Committee within five years of establishment of a national park, and shall be reviewed and revised as required from time to time and not less than every 10 years.

15.4.3 Park management plans shall be approved by the Minister prior to coming into force.

15.4.4 To the extent feasible, interim management guidelines and park management plans shall be prepared in the settlement area.

15.4.5 Park management plans shall describe the policies which guide the conservation and management of the park and its resources.

15.5 WILDLIFE

15.5.1 National parks shall be managed in a manner which provides for wildlife harvesting by the Gwich'in, consistent with the protection of wildlife habitat, the maintenance of viable wildlife populations, and the natural evolution of ecosystems and their associated plant and animal species, as well as public use and enjoyment of the national parks.

15.5.2 Wildlife management within national parks shall be compatible with wildlife management in surrounding areas to the extent possible, consistent with national parks objectives and policies.

15.5.3 Except for the harvesting of fur bearers, the harvesting of wildlife within national parks by the Gwich'in shall be limited to the personal use of participants or for trade with other participants for their personal use or to other aboriginal persons referred to in 12.4.16 for their personal use.

15.5.4 Permits may be required for the location of cabins and camps required for the exercise of Gwich'in harvesting rights; such cabins and camps shall conform to interim management guidelines and park management plans. Permits shall be issued by the Park Superintendant without charge.

15.5.5 Sport fishing may be permitted, subject to the provisions of chapter 12. Subject to 15.5.3, hunting shall not be

permitted in any national park.

15.5.6 Any allocation of Gwich'in harvesting rights among individual harvesters shall be the responsibility of the appropriate Renewable Resources Council.

15.5.7 Persons who are not participants and who:

(a) held General Hunting Licences at the date of settlement legislation and lawfully harvested wildlife; or

(b) otherwise lawfully harvested wildlife for subsistence purposes;

in the area comprised by a park at the time of its establishment, and the children of such persons, may continue to harvest wildlife after the establishment of the park, if permitted by and in accordance with the National Parks Act, R.S. 1985, c. M-13.

15.6 PLANTS AND TREES

15.6.1 The Gwich'in may gather plant material for food, medicine, cultural and other personal purposes and for purposes required in the exercise of wildlife harvesting rights within the park subject to park management plans and to legislation in respect of conservation, public health, public safety and protection of the environment from significant damage. This right includes the cutting of trees for construction and maintenance of cabins and camps and for fuel.

15.7 ECONOMIC AND EMPLOYMENT PROVISIONS

15.7.1 The parties intend that qualified participants will hold a majority of jobs in national parks in the settlement area. To this end, training opportunities, as described in the Impact and Benefit Plan, shall be provided to assist Gwich'in to qualify for such employment.

15.7.2 To the extent that commercial and economic activities related to wildlife and tourism may be permitted in national parks, the Gwich'in Tribal Council shall have the right of first refusal to any new licences to carry on such activities and to take up licences in force at the date of settlement legislation that are not renewed, as provided in this agreement.

15.7.3 In the event that manipulation of wildlife populations by way of a controlled hunt is required in a national park within the settlement area, the Gwich'in shall be given the preferential right to conduct the hunt in co-ordination with park officials, and to dispose of wildlife parts and products resulting therefrom outside the park, in accordance with this agreement.

16 PROTECTED AREAS

16.1 GENERAL

16.1.1 In this chapter,

"territorial park" means an area dedicated as a recreation park under 4(1)(a) and (b) of the Territorial Parks Act, R.S.N.W.T. 1988, c. T-4, and any other territorial park outside local government boundaries the area of which exceeds 130 hectares (approximately 321 acres).

16.1.2 Except as otherwise provided in this agreement, protected areas shall be planned and managed pursuant to legislation respecting protection of the resources in the protected areas.

16.1.3 Except as otherwise provided in this chapter, the provisions of chapters 12, 13 and 14 apply in any protected area established in the settlement area.

16.2 PLANNING AND MANAGEMENT

16.2.1 (a) Government shall consult with the Gwich'in Tribal Council and with affected local communities

prior to the establishment of any protected area, or changes in the boundaries of an established protected area. Such consultation shall commence not less than 12 months prior to the establishment of the protected area or the change in boundaries.

(b) In an emergency for reasons of conservation, such consultation may take place in a shorter period. In the event of an emergency for reasons of conservation which requires immediate government action, government shall consult with the Gwich'in Tribal Council as soon as possible after the establishment of a protected area on the necessity of the action and the terms and conditions attached thereto.

16.2.2 The Government of the Northwest Territories shall consult with the Gwich'in Tribal Council prior to the establishment of any territorial park which is not included in the definition of territorial park under this chapter.

16.2.3 The Government of the Northwest Territories may prepare a park management plan for each territorial park which describes the policies which will guide the conservation and management of the park and its resources. The Gwich'in Tribal Council shall be invited to participate in the preparation of any plan. A park management plan shall be approved by the Minister before coming into force. Gwich'in use shall be in accordance with applicable interim management guidelines or park management plan.

16.2.4 Any allocation of Gwich'in harvesting rights among participants in protected areas shall be the responsibility of the appropriate Renewable Resources Council.

16.2.5 The harvesting of wildlife, plants and trees by the Gwich'in may be restricted in protected areas or parts of protected areas for conservation or other reasons as set out in chapters 12, 13 and 14 or related to the management of the protected area. Any proposed restrictions shall be included in a protected area agreement dealing with impacts and benefits to be negotiated between the affected Gwich'in communities and government. In the event that a protected area agreement is not concluded within two years of the commencement of negotiations, each party may submit its own proposal to the Minister responsible for the protected area for consideration and decision. The Minister shall give written reasons for a decision.

16.2.6 The protected area agreement may include provisions relating to:

(a) employment of Gwich'in;

(b) training of Gwich'in;

(c) protection of Gwich'in religious, cultural and historic sites;

(d) mitigation of potential negative impacts of the establishment of the protected area on affected Gwich'in harvesters and their communities;

(e) participation of the Gwich'in in management committees or other similar structures relating to the development and administration of the protected area;

(f) any interim management guidelines or management plan;

(g) periodic review of the protected area agreement not less than once every 10 years;

(h) the continued use of Gwich'in camps and traditional travel routes to assist harvesting and other traditional uses; and

(i) other matters of concern to the affected Gwich'in communities and government.

16.2.7 It is the objective of the parties that qualified Gwich'in be employed at all occupational levels in protected areas. Government shall identify employment opportunities in respect of the management and administration of protected areas and shall provide appropriate training opportunities for the Gwich'in as set out in the Implementation Plan. For any protected area established after the date of settlement legislation, the nature and extent of the training opportunities shall be set out in the protected area agreement.

16.2.8 To the extent that outfitting, guiding and naturalist commercial activities, including tourist establishments related to such activities and facilities for the manufacture or sale of handicrafts, may be permitted in protected areas, the Gwich'in Tribal Council shall have the right of first refusal to any new licences to carry on such activities and to take up licences in force at the date of settlement legislation that are not renewed and are available. The procedures set out in 12.7.5(b) shall apply, where appropriate, to such right with such modifications as the circumstances require.

16.2.9 To the extent that commercial wildlife activities including commercial harvesting are permitted in protected areas, the Gwich'in Tribal Council shall have the right of first refusal to any new licence for such activities. The procedures set out in 12.7.2 or 12.7.5(b) shall apply, where appropriate, to such right with such modifications as the circumstances require.

16.2.10 In the event that manipulation of wildlife populations is required in a protected area, the Gwich'in Tribal Council shall be given the first opportunity to conduct the hunt and to dispose of wildlife parts and products resulting therefrom in accordance with a plan to be approved by officials responsible for the protected area.

16.3 CAMPBELL HILLS/LAKE

16.3.1 (a) The Government of the Northwest Territories and the Gwich'in Tribal Council have entered into a Memorandum of Agreement with respect to the proposed territorial park at Campbell Hills/Lake.

(b) The Memorandum of Agreement shall be a protected area agreement within the meaning of this chapter, in the event that this park is established. However, any financial obligations of government arising from the Memorandum of Agreement, including the costs of establishing, operating and maintaining the Park, and the costs of any benefits to Gwich'in, shall not be a cost of implementing this agreement.

EXCERPTS FROM THE INUVIALUIT FINAL AGREEMENT

PRINCIPLES

1. The basic goals expressed by the Inuvialuit and recognized by Canada in concluding this Agreement are:

(a) to preserve Inuvialuit cultural identity and values within a changing northern society;

(b) to enable Inuvialuit to be equal and meaningful participants in the northern and national economy and society; and

(c) to protect and preserve the Arctic wildlife, environment and biological productivity

.....

Pingo Canadian Landmark

7. (70) The pingos in the area shown in Annex H-2 and described in Annex H-4 shall be protected by the Minister of the Environment of Canada by the establishment of a Pingo Canadian Landmark as described in Annex H-4.

7. (71) Canada shall continue to retain title to the surface of the land in the area referred to in subsection (70), including sand and gravel. Canada shall transfer administration for this area to the Minister of the Environment under subsection 35(1) of the *Public Works Act* for the purpose of establishment as a Canadian Landmark. The Minister of the Environment shall assume responsibility for the protection of this area on the execution of this Agreement. For greater certainty, the Inuvialuit shall be granted title to the subsurface of the land comprising the Landmark.

7. (72) As the area shown in Annex H-2 and described in Annex H-4 was an approved Inuvialuit land selection, the Inuvialuit shall be granted *(1)(b)* title to land of equivalent value in the Western Arctic Region that is suitable to the Inuvialuit. If the parties cannot agree on equivalent land, the matter shall be referred to the Arbitration Board pursuant to section 18 and subsection (60).

7. (73) The Pingo Canadian Landmark shall be managed under the *National Parks Act,* in consultation with the Inuvialuit Land Administration and the people of Tuktoyaktuk, as a joint management regime.

7. (74) If there is any disagreement with respect to the management of the Pingo Canadian Landmark, there shall be a right of appeal to the Minister of the Environment who shall make the final decision.

7. (75) Any future exploration for or extraction of the subsurface resources of the Pingo Canadian Landmark shall be carried out from outside the site in a manner that does not damage the pingos.

7. (76) The Inuvialuit shall have priority with respect to employment and any economic opportunities relating to the Pingo Canadian Landmark.

Nelson Head Canadian Landmark

7. (77) It is acknowledged that the Minister of the Environment is interested in establishing a federally owned Canadian Landmark at the southern end of Banks Island. The approximate boundaries proposed, as shown in Annex I-7, encompass an area of approximately 70 square miles and include the sea cliffs at Nelson Head and Cape Lambton, Durham Heights at 2,450 feet elevation and approximately 25 miles of seacoast. The Inuvialuit shall be granted *(1)(b)* title to this area pursuant to this Agreement.

7. (78) If and when the Minister of the Environment's Canadian Landmark Program takes effect and that Minister has the authority to require the area, the Inuvialuit shall convey *(1)(b)* title to the land within sixty (60) days of receipt of written notice to that effect.

7. (79) The Inuvialuit shall be granted title to equivalent land in the Western Arctic Region that is agreeable to the Inuvialuit and Canada. If the parties cannot agree on equivalent land, the matter shall be referred to the Arbitration Board pursuant to section 18 and subsection (60).

7. (80) The management and economic provisions in subsections (73) and (76) that apply to Pingo Canadian Landmark shall apply to the area described in subsection (77).

7. (81) The Inuvialuit Land Administration shall ensure that, within the area described in subsection (77), no activity is permitted prior to the conveyance referred to in subsection (78) that renders the land unsuitable as a Canadian Landmark. This obligation and the right of the Minister of the Environment to require a conveyance under subsection (78) shall terminate on the expiration of ten (10) years after the date of the execution of this Agreement.

.....

Water Management

7. (8s) Notwithstanding Inuvialuit ownership of beds of rivers, lakes and other water bodies,

la) Canada shall retain the right to manage and control waters, waterways, beds of rivers, lakes and water bodies for the purpose of the management of fish, migratory game birds, migratory non-game birds, and migratory insectivorous birds and their habitat, and the Inuvialuit shall not impede or interfere with that right. For greater certainty, Canada retains the right to enter on Inuvialuit lands for the purposes of conducting fisheries research and management related activities, and the right to erect small scale temporary camps and installations. Canada shall consult with the Inuvialuit Land Administration with respect to the carrying out of these rights;

.....

Interim Land Regime

7. (102) The Government shall, on receiving Cabinet approval to proceed to execute this Agreement, withdraw

from disposition under the *Territorial Lands Act, as* quickly *as* possible:

(a) the Inuvialuit land selections referred to in subsections 9(3) and (4), except

(i) oil, gas and minerals included within oil, gas and mineral leases or permits referred to in Annex P, except those surrendered to Canada between October 31, 1978 and the date of the execution of this Agreement,

(ii) sand and gravel and

(iii) the surface of the lands listed in Annexes Q and R; and

(b) the Inuvialuit land selections referred to in subsection 9(5), except

(i) oil, gas, related hydrocarbons, coal, native sulphur and minerals as defined in Annex M,

(ii) sand and gravel, and

(iii) the surface of the lands listed in Annexes Q and R.

.....

HUSKY LAKES/CAPE BATHURST AREAS

8. (1) With respect to Area Number 2 in Annex D, approval for any development activity shall be withheld unless the developer proves that the proposed development activity meets acceptable environmental standards and accounts for his standard of performance. The criteria for establishing acceptable environmental standards for the project and evaluating the developer's standard of performance shall be set by the Environmental Impact Review Board.

8. (2) Where approval is withheld pursuant to subsection (1)~ there shall be a right of appeal to the Minister who shall make the final decision. The procedure on appeal shall be the same as that provided in section 45 of the Territorial Land Use Regulations as amended from time to time.

8. (3) where permits are relinquished by oil and gas developers within Area Number 2 in Annex D, the relevant areas shall not be opened for future oil and gas development by Canada without prior consultation with the Inuvialuit Land Administration. For greater certainty, the Minister shall not enter into exploration agreements for those areas nor permit Petro Canada to select those areas nor issue oil and gas leases for those areas without the agreement of the Inuvialuit Land Administration or, if the Inuvialuit Land Administration does not agree, without the approval of the Governor in Council.

8. (4) No dredging or development activity, such as the building of drilling platforms or fuel storage facilities, shall be carried on in the waters of the areas shown as Areas Number 1 and Number 2 in Annex D.

8. (5) The title to the 800 square miles of land selected in Cape Bathurst (the "Cape Bathurst selection") pursuant to subparagraph 7(1)(a)(ii), shown as Area Number 3 in Annex D, shall be subject to permits 4954 and 4955, as approximately shown in the parts marked '~a~ within Area Number 3 in Annex D.

8. (6) Any new subsurface development with respect to the Cape Bathurst selection shall be subject to the consent of Canada.

8. (7) Where Canada wishes to approve development of land under permits numbered 4954 and 4955, any approval for access shall be withheld unless the developer proves that the proposed development activity meets acceptable environmental standards and accounts for his standard of performance. The criteria for establishing acceptable environmental standards for the project and evaluating the developer's standard of performance shall be set by the Environmental Impact Review Board. The provisions of subsection (2) apply with such modifications as the circumstances require.

.....

YUKON NORTH SLOPE

12. (1) For the purposes of this section, "Yukon North Slope" means all those lands between the jurisdictional boundaries of Alaska and the Yukon Territory and the Northwest Territories, north of the height of land dividing the watersheds of the

Porcupine River and the Beaufort Sea, and including adjacent nearshore and offshore waters and islands

Principles

12. (2) The Yukon North Slope shall fall under a special conservation regime whose dominant purpose is the conservation of wildlife, habitat and traditional native use

1 8 12. (3) Subject to subsections (S) to (15):

(a) all development proposals relating to the Yukon North Slope shall be screened to determine whether they could have a significant negative impact on the wildlife, habitat or ability of the natives to harvest wildlife;

(b) other uses within the Yukon North Slope shall be considered and may be permitted if it is shown that there would be no significant negative impact on wildlife, habitat or native harvesting

(c) other uses within the Yukon North Slope that may have a significant negative impact on wildlife, habitat or native harvesting shall be permitted if it is decided that public convenience and necessity outweigh conservation or native harvesting interests in the area; and

(d) development proposals relating to the Yukon North Slope that may have a significant negative impact shall be subject to a public environmental impact assessment and review process

Disposal of Land

12. (4) Subject to this section, the withdrawal from disposition under the *Territorial Lands Act* of certain lands described in the *Prohibition and Withdrawal of Certain Lands from Disposa/ Order* (SOR/80-198, 27 March, 1980, as set out in Annex E-1), within the Yukon North Slope shall be maintained

National Park

12. (5) Canada agrees to establish, under the *National Parks Act,* the Settlement Legislation or such other legislation as may be appropriate or necessary, a National Park comprising the western portion of the Yukon North Slope shown in Annex E and more particularly described as the area bounded to the south by the height of land being the watershed and to the east by the eastern shoreline of the Babbage River

12. (6) The planning for the National Park and the management thereof shall have as their objects to protect the wilderness characteristics of the area, maintaining its present undeveloped state to the greatest extent possible, and to protect and manage the wildlife populations and the wildlife habitat within the area

12. (7) Except as provided in subsection (14), the National Park shall be zoned and managed as a wilderness oriented park

12. (8) Development activities inconsistent with the purposes of the National Park shall be prohibited, and any change in the character of the National Park shall require the consent of the Inuvialuit

12. (9) The Wildlife Management Advisory Council established by subsection (46), in addition to its other duties and functions, shall advise the appropriate minister on park planning and management The Council shall recommend a management plan for the National Park

12. (10) No lands forming part of the National Park shall be removed from National Park status without the consent of the Inuvialuit.

12. (11) Canada agrees that prior to the establishment of the National Park, the lands comprising it shall be maintained in a manner that recognizes their future use and protects the land and its habitat for this purpose.

12. (12) Nothing inconsistent with the provisions of this Agreement shall be permitted between the date of the execution of this Agreement and the coming into force of appropriate legislation creating the Park.

12. (13) The rights provided to the Inuvialuit under this Agreement in respect of the National Park shall take effect as of the date of the coming into force of the Settlement Legislation. For greater certainty, the Government of the Yukon Territory shall retain its present jurisdiction until the creation of the National Park.

12. (14) If it is determined pursuant to section 11 that an area identified in Annex E as Stokes Point is required for limited scale use and temporary use purposes in support of hydrocarbon development, the use shall be permitted on the following conditions:

(a) the land to be used does not exceed forty acres and any additional land that is required to satisfy the licencing requirements of the Yukon Territorial Water Board;

(b) the use of the land is such as not to prevent its restoration to the state it was in prior to such use; and

(c) the activity must not be on a scale and of a nature as to significantly derogate from the quality and character of the adjacent Park lands.

12. (15) In subsection (14),

(a) ~limited scale use" includes the storage of fuel and supplies, emergency repairs and maintenance facilities, transhipment depots, caches and similar uses; and

(b) ~temporary use" means a period of active occupation that, in the aggregate, does not exceed six years.

Territorial Park

12. (16) The parties agree that Herschel Island is to be established as the Herschel Island Territorial Park and, in establishing that Park, the Government of the Yukon Territory will consult the Inuvialuit.

12. (17) Except for the lands adjacent to Pauline Cove, the park regime on Herschel Island shall be no less stringent than that of the National Park pursuant to subsections (5) to (13).

12. (18) Within the lands adjacent to Pauline Cove, the historic resources shall be protected in a manner no less stringent than that of the regime of a National Historic Park as set out in the *National Parks Act*

12. (19) Any development activity proposed within the lands adjacent to Pauline Cove shall be subject to the screening and review process set out in section 11: and

(a) the criteria set out in subsection (23) shall apply; and

(b) the terms and conditions governing such development shall be no less stringent than those under the Territorial Land Use Regulations in force at the time.

Area East of the Babbage River

12. (20) The parties agree that the area east of the Babbage River extending to the jurisdictional boundary between the Yukon Territory and the Northwest Territories, but not including the adjacent nearshore and offshore waters, shall be designated as an area in which controlled development may take place, subject to the provisions of this Agreement and to laws of general application.

12. (21) Any development activity proposed for the area referred to in subsection (20) shall be subject to the screening and review process set out in section 11.

12. (22) Any development activity proposed for the adjacent nearshore and offshore waters shall be subject to the normal government process and the wildlife compensation provisions of section 13.

12. (23) The appropriate review board shall take into account the following criteria in its consideration of any development proposal:

(a) analysis of the significance of the part or parts of the Yukon North 81Ope proposed for development use from the standpoint of conservation and harvesting interests;

(b) evaluation of practical alternative locations and of the relative commercial and economic merits of and environmental impact on such locations compared to the part or parts of the area proposed for utilisation in the application;

(c) evaluation of the environmental and social impacts of the proposed development;

(d) weighing of the interests of users, conservationists and harvesters in the Yukon North Slope against public convenience and necessity for development;

(e) evaluation of the ability of the applicant to demonstrate that he has, or will acquire, the proven capability to carry out the project in accordance with established standards of performance, safeguards and other requirements and to carry out the necessary environmental mitigation and restoration; and

(f) requirements for effective machinery to ensure that the development proceeds in accordance with any established terms and conditions.

.....

Expropriation

7. (5o) No Inuvialuit lands may be expropriated except by order of the Governor in Council.

7. (51) Canada recognizes the desire of the Inuvialuit to retain their lands and therefore agrees that any expropriation shall provide suitable alternative lands in the Western Arctic Region, considered to be satisfactory by the Inuvialuit, in place of the expropriated lands if it is reasonably possible to so provide_

7. (52) If suitable alternative lands considered to be satisfactory by the Inuvialuit cannot reasonably be provided pursuant to subsection (51), monetary compensation shall be payable, together with interest, as contemplated by the *Expropriation Act* of Canada_

7. (s3) The monetary compensation payable on an expropriation shall reflect the fair market value of the lands expropriated but shall take into account that such value is low relative to other areas in Canada and that this Agreement is intended to constitute a fair exchange between the Inuvialuit and Canada. Where a cost base is agreed on, the compensation payable on an expropriation shall be an amount equal to the greater of the fair market value and that cost base.

7. (s4) On an expropriation of Inuvialuit lands, compensation shall be payable for the loss of the use of the land. Part of the land value, in addition to other land values, shall consist of its intrinsic value for wildlife.

7. (ss) Compensation for actual harvesting loss shall be provided for Inuvialuit harvesters under section 13 and shall not be considered in determining the value of the land under expropriation.

7. (s6) Where Inuvialuit lands are expropriated, the exclusive harvesting rights set out in paragraph 14(6)(d) shall continue to apply. For greater certainty, the exercise of such rights by the Inuvialuit is subject to the laws of general application respecting public safety and conservation_

7. (s7) On an expropriation, any disagreement between Canada and the Inuvialuit concerning the following matters shall be referred to the Arbitration Board pursuant to section 18:

(a) whether it is reasonably possible for the Government to provide suitable alternative lands satisfactory to the Inuvialuit;

(b) the compensation and interest payable in the event that suitable alternative lands are not available; and

(c) any other matters arising on expropriation, including payment of the costs of any arbitration

7. (58) Compensation for expropriation, whether in the form of suitable alternative lands or money, shall be tax free to the Inuvialuit.

7. (59) Where lands are required to be conveyed pursuant to subsections (61) to (81), the provisions of subsections (50) to (58) do

not apply

7. (60) For the purposes of subsections (61) to (81), the following provisions apply:

(a) where Inuvialuit lands are appropriated, if possible, equivalent alternative lands in the Western Arctic Region suitable to the Inuvialuit shall be provided;

(b) if the parties cannot agree on appropriate equivalent lands, the matter shall be referred to the Arbitration Board pursuant to section 18 and the arbitrator shall decide the issue of equivalence and whether payment shall be made in land or money;

(c) the value of the lands shall be based on their worth before being required for government purposes, and shall include, in addition to other land values, their intrinsic value for wildlife;

(d) compensation for actual harvesting loss shall be provided to Inuvialuit harvesters under section 13 and shall not be considered in determining the value of the land under subsections (61) to (81);

(e) lands acquired by the Inuvialuit Land Administration (ILA) through exchange by virtue of subsections (61) to (81) shall be deemed to be Inuvialuit lands and receipt of compensation for appropriation in whatever form shall be tax free to the Inuvialuit; and

~ on appropriated lands, the exclusive harvesting rights set out in paragraph 1 4(6)(d) shall continue to apply. For greater certainty, the exercise of such rights by the Inuvialuit is subject to the laws of general application respecting public safety and conservation.

SUPPORTING DOCUMENT 5

SIZE AND CONFIGURATION OF PROTECTED AREAS: CORE REPRESENTATIVE AREAS, BUFFER ZONES, CORRIDORS

Size of a Protected Area

Ideally, the size of a protected area should be large enough to:

- incorporate successional stages of habitat and accommodate normal disturbances such as fire;
- include many types of wildlife habitat and preserve biologically productive and diverse examples of those habitats;
- maintain self-sustaining land and water systems resistive to environmental changes;
- conserve sensitive species and the processes supporting them.

Where entire large areas cannot be fully protected, they can consist of several levels of protection, from very strict core representative areas to buffer zones of varying restrictions.

Core Representative Areas

Core representative areas are the backbone of a zoned system of protected areas and have the strictest protection. They lie within less restrictive buffer zones and may be linked with corridors to other core representative areas.

Buffer Zones

Buffer zones will help achieve the conservation objectives of protected areas by providing complementary but less restrictive land management measures to areas surrounding core representative areas. For example, wildlife that use a core representative area for nesting or calving may leave that area and be subject to hunting or disturbance from industrial activities. Rare plant communities within a core representative area may be threatened by fires or other disturbances on adjacent lands. Buffer zones can provide restrictions that are temporary, or apply to certain activities or to specific species of wildlife. The intent is to provide protection beyond general laws of application, but short of full restrictions found in core representative areas.

Corridors

Corridors are largely linear buffer zones that link two or more core representative areas. They are intended to provide relatively undisturbed movement for wildlife species that have large home ranges, or that move between areas at different periods in their life cycle. Corridors provide protection without the restrictive level of core representative areas.

SUPPORTING DOCUMENT 6

INTERIM PROTECTION OF PROPOSED PROTECTED AREAS

INTRODUCTION

This paper provides a brief overview of the existing legislation, process and issues related to interim protection of candidate protected areas through land withdrawals. Candidate sites are potential protected areas that have undergone preliminary screening and have been formally accepted for further evaluation. Interim protection may be required for some of these sites to ensure that the values being protected are not reduced while evaluation studies are conducted.

The purpose of this paper is to stimulate informed discussion on interim protection for protected areas. It is a starting point for developing detailed guidelines specifying the conditions under which interim protection will be considered and applied.

WHAT IS INTERIM PROTECTION?

Interim protection is the practice of withdrawing lands from new surface and subsurface dispositions within a defined area on a temporary or interim basis. *Surface dispositions* refer to the sale of land or leases as for example, rural residential, outfitting, agriculture, trapping, commercial, oil and gas exploration, coal and gravel extraction, etc. *Subsurface dispositions* include mineral claims and leases, oil and gas licences and grandfathered leases.

DIRECTION SET BY THE PROTECTED AREA STRATEGY

One of the main principles upon which the Strategy is based (Section A, 2.2) states that, where appropriate, interim protection may be used "to maintain the values of proposed protected areas while detailed evaluation studies are in progress." Section A, 3.0 of the Strategy outlines a series of eight steps for protected areas, one of which (Step 4) explicitly calls for the consideration of interim protection.

To move beyond the general direction set by these statements towards implementation, Section B, 1.7 of the Strategy states that by December 1999 "DIAND will take the lead in developing standardized guidelines, consistent with the Strategy, that clearly define when and how interim protection should be applied to high priority candidate protected areas." It further states that this initiative "will be undertaken in partnership with the GNWT, industry, and appropriate resource management bodies." Members of the Advisory Committee that prepared the Strategy were unanimous in their desire that these guidelines, once developed, would promote the application of interim protection measures in a fair, timely and consistent manner.

IMPLICATIONS FOR DEVELOPMENT

Interim protection through land withdrawal is an issue with which every jurisdiction developing a protected areas strategy must come to terms. The issue of interim protection is contentious because industries such as logging, mining, oil and gas, hydro-electric, agricultural, tourism, transportation or recreational interests depend on relatively unfettered access to land. Interim protection has traditionally been perceived as a serious obstacle to economic development by restricting access to land. Recently, there appears to be a more conciliatory approach towards acceptance of interim protection, with general agreement among most interested parties that interim protection is warranted for priority sites that have been formally accepted as candidate protected areas. However, there is as yet no general agreement on how the need for interim protection is to be defined, given the already existing regulatory obligations.

The minerals and metals industry requires access to the widest possible land base to explore for mineral deposits because of the high exploration costs and the low probability of finding an economically viable mineral deposit. Many technical advances have been made in the last generation with respect to exploration methods. Even so, exploration remains an inexact science. The Whitehorse Mining Initiative (WMI) outlines two main issues of concern to industry that relate to protected areas and land withdrawal. The first is the cumulative impact and the potential for serious economic consequences as a result of setting land aside from exploration and development. The second issue is that while the mining industry recognizes governments need to maintain latitude in the face of rapidly changing public policy industry needs a high degree of certainty with respect to mineral tenure. Both certainty and clarity are requirements by industry as a positive climate for investment. Therefore industry has expressed the need for government to develop clear guidelines on the process for interim withdrawals.

Industry's reasons for opposing interim land withdrawals in the past have been based upon the following perceptions on industry's part:

- previous withdrawals have not been for fixed terms
- withdrawals have had adverse effects on the climate for development investment
- withdrawals have been made without adequate resource assessments being made in advance

PURPOSE OF INTERIM PROTECTION MEASURES

As the term implies, interim protection is a temporary measure applied while a decision on the status of an area is being made. The period for interim protection for national parks is up to five years, with the provision for extension of this period if necessary.

Interim protection through land withdrawal may be used to ensure that the special values of a candidate protected area are not jeopardized during the next step in the planning process, site evaluation (see section A, 3.5). Candidate areas that may be at risk include those representing significant, rare, or fragile natural or cultural values which may be impacted by development activities. By applying interim protection to these sites, other land users know that an area is being considered for designation as a protected area and, until a decision is reached, should be avoided.

Besides providing an area with protection from potential physical damage, interim protection is also a way to reduce the costs of creating protected areas. It can do this by preventing potentially incompatible dispositions which, if allowed, could lead to future negotiations with third party interests if the protected area proposal is approved.

It might be noted that interim protection is used not only for planning protected areas. This temporary protection tool is also commonly used during the course of land claims negotiations while assessments of key areas of land are being carried out.

HOW LANDS ARE WITHDRAWN

The *Territorial Lands Act* is the enabling legislation for regulations that include Territorial Lands Regulations, Territorial Land Use Regulations, Territorial Quarrying Regulations and the Canada Mining Regulations.

Land withdrawals are enacted pursuant to Section 23(a) of the *Territorial Lands Act* and can apply to the surface, subsurface and beds of bodies of water unless specified otherwise. Enactment of land withdrawals are undertaken through Orders in Council on the recommendation of the Minister of Indian Affairs and Northern Development and the approval of the Governor in Council. Land withdrawals normally apply for restricted periods of time, usually no more than five years. While a land withdrawal can be permanent, the Privy Council Office requires substantive justification for such orders. There are, however, a few unusual examples of long-term withdrawals such as the East Arm of Great Slave Lake set aside in 1970 for Parks Canada and permanent withdrawals, such as the Thelon Wildlife Sanctuary.

The withdrawal has the effect of preventing issuance of new surface and sub-surface dispositions as long as it is place. Surface leases cannot be issued, mineral claims cannot be staked, and oil and gas rights cannot be put out to bids. It is this attribute that makes the withdrawal useful as a means of interim protection, because under these circumstances it effectively prevents development activities until a final decision is made. It should be noted however, that existing interests would be administered on their own merits according to legislation. There is also the potential for an existing disposition to change. For example, a pipeline right-of-way that is no longer required for its original purpose could become a right-of-way for a road.

In the Yukon and Northwest Territories, a federally administered land withdrawal is the only mechanism available to achieve that end. A withdrawal, however, does *not* affect the issuance of land use permits, which is not a disposition. Examples of activities for which land use permits are required include the clearing of land for a road right-of-way or the installation of a temporary fuel storage facility or a temporary exploration camp. Such specific land use operations occur at specified places for specified periods of time and would be subject to conditions designed to protect the environment.

FEDERAL LAND WITHDRAWAL MECHANISMS

A. Surface Withdrawal Orders

Surface withdrawal offers full surface protection from any new surface dispositions in the area being withdrawn. It involves:

Federal Surface Withdrawal Order
Land can be withdrawn from surface dispositions by a federal Order-in-Council (OIC) under the *Territorial Lands Act.*

B. Subsurface Withdrawal Orders

Prohibition orders offer full interim protection from new subsurface dispositions in the area affected. Mechanisms for subsurface prohibitions include:

Federal Subsurface Mineral Withdrawal Order
Subsurface dispositions can be prohibited by a federal Order-in-Council which prohibits entry on land for the purpose of exploration and mineral staking under the *Canada Mining Regulations.*

Oil and Gas Resources
A prohibition order under the *Canada Petroleum Resource Act* prevents issuance of oil and gas interests. If a withdrawal order under the *Territorial Lands Act* is in place, it also prevents issuance of oil and gas interests.

Privately owned lands - any proposal for land withdrawals on privately owned lands would require negotiations between the land holder and the government agency proposing the land withdrawal.

FACTORS TO BE CONSIDERED IN RECOMMENDING A LAND WITHDRAWAL

For obvious reasons, land withdrawals are not granted lightly. With respect to protected areas, a significant justification is required for land withdrawal, including a strong likelihood that the candidate area under consideration will in fact be established.

As the major land manager in the NWT, DIAND must undertake a thorough assessment of the implications of a recommendation for interim protection before the Minister of DIAND recommends a submission to the Governor in Council for passage.

Questions that need to be considered by the federal government with respect to a recommendation for interim protection for a proposed protected area include:

1. Is the proposal consistent with approved land claims agreements or ongoing claims negotiations?
2. Do affected aboriginal organizations support the proposal?
3. Does the territorial and federal government support the proposal?

4. Has there has been general support for the proposal during public consultation?
5. Are there are existing dispositions or other land and resource interests in the area?
6. Is there is a proponent for the proposed protected area in question and does that proponent have the capability to carry the proposal through to establishment of the protected area?
7. Is the quantity and quality of information adequate with respect to other resource values within the area of interest?
8. Has due consideration been given to any concerns raised by industry with respect to the proposal?

TRIGGERS FOR IMPLEMENTING INTERIM PROTECTION

A decision as to when to consider recommending interim protection can be based on the following triggers:

- when a decision to protect lands is imminent;
- when a public process or a negotiation to consider establishing a protected area is under way;
- when information about the ecological values of a proposed protected area is incomplete; and
- when the area proposed for development falls within a natural region where few remaining opportunities for protection exist.

THE NEED TO CONSIDER THIRD-PARTY RIGHTS AND INTERESTS

Although the western NWT is a vast area of land and water, a large portion of it is encumbered by a variety of outstanding interests including aboriginal interests, fee simple interests, and Crown/public resource dispositions, including timber interests, mineral interests, and oil and gas interests. Where these interests are demonstrably inconsistent with the purpose for which a proposed protected area is being considered, development activities may be curtailed either through governmental regulation and withdrawal or through acquisition/compensation/ negotiation with the interest holder. Expropriation is also available but only as a last resort.

For all practical purposes, a land withdrawal does not provide interim protection where existing rights are in place. In other words, the immediate net effect of a withdrawal as an interim protection mechanism would be zero because all the existing interest holders would be exempted. Furthermore, to propose the establishment of a protected area in a location where rights exist implies that the proponent is aware of the possibility of compensation being required to remove those rights. Such compensation is the responsibility of the proponent (e.g., Parks Canada in the case of a national park), not DIAND. The scale of such compensation can vary considerably, but would usually cover all of the rights holder's expenditures on the property to date. If some discoveries have been made, then negotiations are undertaken to determine a fair value for them as well as the potential lost opportunity. It is worth noting that compensation can take on various forms or amounts, as for example a land exchange which would not involve money. Factors considered in determining

compensation can include: expenditures on the property to date, lost potential opportunity, lost financial revenue, etc.

The NWT PAS includes a description of a general process for planning protected areas with identifying existing surface and subsurface dispositions as an early step in the planning process (see Section A, 3.3.3). The intent of the NWT PAS is to avoid in all but the most extraordinary circumstances (i.e., where no other option exists), candidate protected area designations on lands that have existing third party interests. In the unlikely event that there is no other area that meets the criteria for evaluation as a protected area, the NWT PAS recognizes that it may need to negotiate with the interest holder. In summary there may be significant short and long term consequences of land withdrawals.

EXISTING THIRD-PARTY INTEREST GUIDELINES

Where this action is considered appropriate, it is the responsibility of DIAND to secure interim protection for a formally accepted candidate protected area. The action is achieved through issuance of an Interim Land Withdrawal by preparing a Withdrawal from Disposal Order for approval by the Governor in Council per the following guidelines:

A. A request for a Withdrawal from Disposal Order must be submitted by a duly constituted land management body that has the authority, the capacity, and the commitment to manage the land, in the event that protected area status is deemed to be warranted and related negotiations are successful. This land management body need not necessarily have initiated the proposal, but it must ultimately be willing to assume responsibility for managing lands in question.

B. A request to the Governor in Council may be made to provide for a Withdrawal from Disposal Order for a period of up to five years. An extension may be requested of the Governor in Council if a positive evaluation has been concluded and if reasonable progress has been made on related consultations and negotiations.

PRINCIPLES AND RECOMMENDATIONS ON INTERIM PROTECTION

The following principles and recommendations are presented as a foundation on which NWT PAS partners can work together to develop more specific interim protection guidelines:

- Guidelines must be clear and avoid ambiguous and contradictory rules about the status of protected areas.

- Interim protection must be used judiciously since reducing the amount of land available for economic development has implications not just for the industry, but also for the communities and regions concerned.

- Third-party interests must be recognized and protected where ever possible. In those situations when the interests of the existing holder and the PAS are incompatible, negotiations leading to an acceptable settlement package will be conducted in a fair and timely manner.

- Existing commitments must be abided by and respected as defined by any tenure, disposition, right, agreement or approval that has already been issued within a candidate site. Where existing dispositions and approvals lead to further development and/or renewal, these commitment extensions will also be honoured (e.g., pipeline application to an existing well, dugout on an existing grazing lease).

- Third party rights and interests must be respected throughout the planning and establishment process for protected areas. All existing rights within areas of interest and designated study areas will continue to be valid as per their normal operating conditions. The management planning process will deal with the issue of the continuation of third party interests within the area.

- Many existing third party interests and activities such as outfitting, trapping, subsistence hunting and fishing, recreational leasesand rural residences should be compatible with the conservation objectives of the areas being protected, in which case a negotiated change/removal will not be required.

- Some existing third party interests, such as timber harvesting or mining claims, may or may not be compatible with the conservation objectives of the area. Whether or not a change in the interest will be requested and/or negotiated will depend on the particular circumstances of each case.

- All decisions regarding the continuation or limitation of third party rights and interests will be dealt with in a fair manner.

- Development plans for mineral agreements issued before the candidate sites were identified may potentially be affected by approval delays. In these cases, term extensions to the mineral agreements will be considered where necessary.

EXISTING APPROACHES TO INTERIM PROTECTION

Two examples of approaches to interim protection may be instructive, when considering the general applicability of this mechanism to the processfor establishing protected areas in the Northwest Territories. These examples are concerned specifically with the relationship between protected areas and the mining industry.

EXAMPLE 1: NATIONAL PARKS AND THE MERA PROCESS

In the process of establishing a National Park or marine conservation areas, a Mineral and Energy Resource Assessment (MERA) must be conducted. The purpose of the MERA is to ensure that the mineral and energy resource potential of the area being considered for National Park designation is considered in the decision-making process. As well, the MERA serves to provide the Minister of DIAND with information as to the values of the land for national park purposes and the potential for the exploration, development and use of mineral and energy resources that exist in the land. During a MERA process the Senior MERA Committee may recommend a time-limited withdrawal (usually not more than 5 years) pending the completion of the MERA technical report and other research and pending the recommendation of the final boundary to the Minister of DIAND. Prior to the interim land withdrawal it is DIAND policy that the appropriate Territorial government and Aboriginal organization are in agreement (see Supporting Document 7 on Resource Potential Assessment).

EXAMPLE 2: THE BRITISH COLUMBIA PROCESS

In BC whenever a land use and protected area decision was imminent, no new claim staking was permitted. Where a decision was less likely, claims could be staked, subject to public notification requirements in certain areas. BC government circulated this policy directive and published maps of proposed protected areas, thus giving broad notice of the rules and the sites to which interim protection measures applied. The BC process is based on the widely acknowledged need to resolve as quickly as possible the uncertainty created by the imposition of interim protection measures

The BC Protected Areas Strategy recognizes the need to manage candidate areas in a sensitive manner that will not cause unacceptable short-term social and economic disruptions. Its "Flexible approach using Interim Management of Study Areas" does not apply a blanket moratorium on all resource development in these areas. Instead, Interim Management Guidelines will be applied case by case and, where required, will restrict certain activities that might compromise the values of the study area in question. The Guidelines will therefore differ by tenure, industrial sector, and study area.

There are two broad levels of restriction for interim management reflecting the immediacy of the issue, apparent significance of existing approved study areas, and the effect that certain activities could have on the areas in question. Level A Guidelines are applied to study areas for which resource management decisions are imminent; Level B Guidelines are applied to study areas for which resource management decisions are less immediate.

BIBLIOGRAPHY ON INTERIM PROTECTION

Environmental Mining Council of BC, 1998, **More Precious than Gold ... Mineral Development and the Protection of Biological Diversity in Canada**, Prepared for World Wildlife Fund of Canada, Toronto, ON.

Government of Canada, 1997, **Implementing the Canadian Biodiversity Strategy - Protected Areas**, Minister of Public Works and Government Services Canada.

Government of Canada, 1997, **The Canada Mining Regulations**.

Government of Canada, **Territorial Lands Act**.

Government of Canada, 1996, **Territorial Lands Regulations**.

Government of Canada, 1989, **Natural Resource Development in the Northwest Territories: Requirements, Procedures and Legislation**, Minister of Supply and Services Canada.

Government of Canada, National Parks Policy, 1979 & 1986, **MERA, Terms of Reference**.

Government of Canada, 1996, **The Minerals and Metals Policy of the Government of Canada - Partnerships for Sustainable Development**, Minister of Public Works and Government Services Canada.

Indian and Northern Affairs Canada, **How to Obtain Mining Rights in the NWT**, INAC, Mining and Lands Division, Yellowknife, NT.

Land Access Issue Group, 1994, **Final Report**, Whitehorse Mining Initiative.

Natural Resources Canada, 1998, **Land Access, Protected Areas and Sustainable Development**, Minister of Public Works and Government Services Canada.

Province of Alberta, 1997, **Special Places Program Interim Protection Measures, Canadian Shield and Foothill Natural Regions Information Letter**, Environmental Protection, Edmonton, AB.

Province of British Columbia, 1993, **A Protected Areas Strategy for British Columbia**.

Robinson-Lewis, L., & Associates, 1997, **History and Status of Federally Protected Areas in the Northwest Territories**, Draft.

Snider, A., 1998, **Personal Communication**.

Task Force on Northern Conservation, 1984, **Report of the Task Force on Northern Conservation**, Ottawa, Department of Indian Affairs and Northern Development.

Yukon Government, 1998, **Yukon Protected Areas Strategy Technical Paper No. 6, Interim Protection and Third-Party Interests**, Department of Renewable Resources, Yukon Territory.

SUPPORTING DOCUMENT 7

RESOURCE POTENTIAL ASSESSMENT IN THE NORTHWEST TERRITORIES - UNDERSTANDING THE EVALUATION OF MINERAL AND PETROLEUM RESOURCE POTENTIAL IN THE WESTERN NORTHWEST TERRITORIES

A Resource Assessment is an informed evaluation of what lies at the surface or below the ground. It uses geological knowledge, opinions of experts on that area or that mineral type, and mathematical and economic modelling. An assessment will consider the potential of certain areas of land to hold specific mineral or petroleum resources, and will rank areas accordingly. It cannot provide an **absolute** measure of the resource potential of a large area. For our purposes, we define resource potential assessments, resource assessments, or minerals, to include both mineral and petroleum resources.

Background

Due to the large contribution of mineral wealth to regional economies in the North, the assessment of potential for undiscovered resources is one of the most critical activities to be performed during any land use decision making process. Land management decisions made today will impact our society for many years to come.

Policy and legislative support for resource assessments

Currently only National Parks and National Marine Conservation Areas require formal resource assessments prior to designation. The GNWT, the Federal Government, and land use planning boards have recognized the usefulness of integrating resource assessments with other categories of land use planning. An extensive policy and legislative framework covering assessments is now well established. This forms a commitment to a disciplined, structured and rigorous mineral and energy resource appraisal to take place prior to any irrevocable decision about restricting industrial use of land.

The commitment to formal consideration of mineral and petroleum resource potential within land use plans and the designation of protected areas is documented within the following policies:

Resources and Technical Surveys Act (1966)

Northern Mineral Policy, Indian and Northern Affairs Canada (1986)

Government of the Northwest Territories Policy 51.05: Sustainable Development (1993)

Department of Natural Resources Act (1994)

Whitehorse Mining Initiative (1994)

Intergovernmental Geoscience Accord (1996)

The Minerals and Metals Policy of the Government of Canada (1996)

Nunavut Tunngavik Incorporated Mining Policy (1997)

Land Access, Protected Areas and Sustainable Development: NRCan background paper (1998)

Preliminary draft of the Land Use Plan for the Gwich'in Settlement Area (1998)

An example of methodology for resource potential evaluation

The methodology, which will be applied to proposed protected areas in the NWT, will be developed as noted in 4.6 in the main PAS document. The assessment of resource potential is a multi-stage process, which depends upon a flow of information. Once the information has been gathered, qualified professionals must assess it. This consists of a three-stage process;

- Data accumulation
- Assessment of resource potential for the study area
- Distribution of assessment information

Stage 1- Data accumulation

The first step in data accumulation is the identification of potential sources of data and expertise. A number of known geoscience information sources exist for the NWT. These include:

- RWED – Minerals, Oil and Gas Division
- DIAND – Geology and Lands Divisions
- Geological Survey of Canada
- Natural Resources Canada
- Inuvialuit Petroleum Corporation
- Mining, mineral exploration and petroleum companies and consulting firms
- NWT prospectors and community residents (including oral/traditional knowledge)
- University Geology/Geophysics/Earth Science departments (located outside the NWT)
- Ongoing geological appraisals on unsettled claim areas i.e. Dogrib and South Slave Metis

Data applicable to resource potential assessment include: bedrock geological maps at various scales, surficial geology maps, airborne and ground geophysical data, exploration assessment reports, mineral deposit occurrences databases, geochemical data, metallogenic maps, previous mineral potential studies, and satellite images.

The amount of geoscience data available varies widely from one area of the NWT to another. The confidence level and accuracy of a resource assessment is directly dependent on the amount of geoscience information available. Assessment of data coverage is a crucial step within the data accumulation stage. If data coverage is insufficient for assessing resource potential, then new data must be gathered to fill the gaps before an assessment may be undertaken.

If data coverage and quality appear sufficient, the assessment stage may then begin. However, once this stage is in progress, it may be concluded that important data gaps still exist. Thus several data analysis/ data acquisition cycles may be required before an acceptable database is available.

Stage 2- Assessment of resource potential for the study area

The exact methodology of the second stage assessment of resource potential for a study area is dependent upon the purpose of the assessment, the data available, and the required end product. No single resource measure will satisfy all circumstances for which a resource assessment might be performed. There will have to be varying degrees of assessments depending on: the category of protection being sought, whether the protection impacts upon the exercise of surface and/or subsurface rights, and the degree of boundary flexibility and/or periodic review involved.

Here are some examples of the previous points. An area is nominated as a Travel Restricted Area. Because this type of protection has limited access restrictions and will not affect any subsequent exercise of sub-surface rights only a minimal resource assessment might be required. An example involving boundary flexibility is the Gwich'in who are considering the creation of protected areas whose boundaries and purpose would be reviewed every five years. This would require a much less complex and less expensive resource assessment than a National Park that has permanent boundaries once established.

There are a number of ways to conduct resource assessments, depending upon available time, money, and human resources, as well as geological knowledge of a given area. Steps involved in the assessment of resource potential for an area may include:

- Comparison with areas of broadly similar geology to determine the types of deposit expected
- Definition of the basic geological characteristics of each deposit type, and their interrelationships and importance; along with a review of known mineral deposit occurrences in the area
- Identification of those geological characteristics within the study area
- Ranking of the potential of subsections of the study area with respect to a specific deposit type
- Synthesis of all rankings to produce an overall resource potential assessment for the study area

In settled claim areas, the nominating agency must ensure that a resource assessment is conducted. Funding for resource assessments will be a government responsibility. In unsettled land claim areas, this responsibility will reside with government until the capacity is achieved in those areas.

There are numerous choices as to who will conduct the actual assessment. If government is asked to conduct the assessment, appropriate funding must be allocated to develop the required capabilities. If non-government agencies conduct the assessment, some level of funding will be required for government geologists to review the assessment to ensure that a recognized systemic approach has

been used. This is to ensure that assessments meet or exceed established technical standards and adhere to a uniform approach among regions.

Stage 3- Distribution of assessment information

Once resource potential has been evaluated for an area, the information should be as widely distributed as possible to insure a thorough peer and public review.

Limitations of resource assessments

Resource assessments are based on the best geoscientific information available at the time of the study. Assessments must be revised and updated as the state of knowledge of mineral deposits evolves, as new geological information becomes available, as technological advances modify the way we find and extract mineral deposits, and as socio-economic conditions change, with respect to such factors as metal prices and regional infrastructure. For example, it is highly unlikely that an assessment done of the Lac de Gras area in 1985 would have concluded that there was a high potential for diamond-bearing kimberlite pipes. This illustrates that the concept of mineral potential must necessarily be dynamic, and that when this tool should be used, its limitations must be fully recognised and assumptions defined. *A resource assessment represents a "best estimate at the time" of a resource that is hidden in the ground and cannot be quantified with absolute certainty.* Conclusions derived from such a study are only as good as the data that are available for the evaluation.

Mineral interests within Protected Areas planning steps

Protected Area Steps Mineral Interest Considerations

–see Word printout for graphics/boxes

SUPPORTING DOCUMENT 8

OVERVIEW OF PROTECTED AREA ROLES AND RESPONSIBILITIES IN WESTERN NORTHWEST TERRITORIES REGIONS

Deh Cho First Nations

Deh Cho First Nations Protected Areas Process

The management of land and resources within the Deh Cho Territory lies with Elders of the thirteen community member organizations. Elders took on the role from the DCFNs land and working group last year. They immediately looked at their responsibility and prioritized all land and resource issues as they relate to Deh Cho.

Earlier last spring, Elders had a chance to discuss Protected Areas in the Deh Cho at a gathering held in Fort Simpson. A vision statement, a set of goals and a report was prepared and presented to the Leadership for their consideration. One of the main recommendations made was that the Deh Cho have their own process parallel to the existing present Federal/GNWT process. They were also very clear that all lands must be protected.

The Deh Cho leadership accepted the report and recommendations along with a plan to hold a workshop for Elders to discuss a range of land and resources issues along with where Protected Areas can fit in.

It became clear to them that protected areas was one part of an overall Deh Cho Land Use Plan. The Leadership has accepted this view.

The Elders have recommended through the Grand Chief the appointment of a Deh Cho representative to the Protected Areas Strategy advisory Committee. They also insist that before the Strategy is finalized and approved they want a chance to discuss the document and see what effect it may have on a Deh Cho Land Use Plan.

Proposed approach to advancing Protected Areas in the Deh Cho:

1) Deh Cho Leadership recommend to Elders to examine PAS.
2) Elders discuss PAS in communities.
3) Elders gather to workshop issue.
4) Recommendations made to DCFN Leadership.
5) Leadership reports to DCFN Assembly.
6) Assembly accepts report and instructs Leadership and Elders Council to continue work on PAS.
7) Elders conference on final PAS draft before approved by both Governments.
8) Elders recommend to Leadership for approval of PAS subject to conditions.
9) Leadership present to Assembly.

Dogrib Treaty 11 Council

Roles and Responsibilities of the Dogrib First Nation in Implementing the Western NWT Protected Areas Strategy

The Dogrib Treaty 11 Council supports the broad approach to implementation proposed for the western NWT Protected Areas Strategy (PAS). Dogrib representatives will sit on any territorial advisory committee formed to oversee this Strategy's overall implementation. And, within the Dogribs' traditional territory, regional management bodies will take the lead in advancing specific proposals for protected areas.

The Dogrib people will publicly endorse the PAS, only when satisfied that it is compatible with the vision of Dogrib rights and powers being negotiated in treaty talks with Canada. This will require a decision of the four Dogrib Chiefs, which will be conveyed by letter to the PAS Secretariat. In parallel with this, Dogrib and Government negotiators will further assess the links between the Strategy and the "Protected Areas" provisions of the Dogribs' modern treaty.

Once the PAS is formally ratified, the Dogrib Treaty 11 Council will seek resources from the federal and territorial governments to assist it in undertaking further preliminary planning and assessment work on the creation of protected areas in the Dogrib territory. As a first step, in the spring of 1999, the Council plans a regional meeting, involving elders and community leaders, to review and provide direction on potential candidates for protected areas status.

Several such proposals have already been considered by the Dogribs, and now more detailed discussions are needed on their boundaries and legal status. In addition, two other potential candidates have recently been put forward–the first involving a joint effort with the Deh Cho to created a protected area on the Horn Plateau, and the second relating to habitat protection for eskers in the area between Snare Lake (Wekweti) and Lac de Gras. The Council anticipates that some of these proposals may be brought to the Dogribs' negotiations table, for possible inclusion in their modern treaty.

Over the next year, the Dogrib Treaty 11 Council plans to take part in several collaborative initiatives identified in the Strategy's Workplan, if resources permit. As a partner in the PAS, the Council wants to be involved in efforts by Government, with DIAND in the lead, to develop "standardized guidelines" for interim protection and for compensation of third parties. The Dogribs also are interested in the feasibility study proposed to determine the "applicability" of different legal mechanisms for creating protected areas. In the longer term, they have a particular interest in seeing adequate protection measures instituted for the Bathurst caribou herd, and expect to play a central role in any management body set up for this purpose.

Until the Dogribs' treaty is finalized, PAS implementation activities within the Dogrib territory must be in accordance with the terms of their Interim Protection Agreement with Canada. Then, once this treaty takes legal effect, the PAS will be subject to its provisions on land/resource management and governance. All protected areas work will be governed by the "Parks" and "Protected" provisions of the treaty, especially those on Dogrib harvesting and management rights, and economic opportunities. As well, regional management and planning bodies will give priority to any protected areas identified in the Dogrib treaty. The Dogribs anticipate following the "General Planning Process for Protected areas" set out in the Strategy, but this will be within the broader framework provided by their treaty.

The Inuvialuit were invited to participate in the drafting of a Protected Areas Strategy and appointed a representative to the PAS Advisory Committee to undertake this work. In accepting this role it was understood from the beginning that the Inuvialuit had for the most part under their Land Claim completed work on establishing protected areas. It was further understood that the Inuvialuit would bring to the table a great deal of experience and knowledge from their previous work on protected areas. During the process of drafting a PAS the Inuvialuit were able to give guidance and direction on the steps that were used in their region to move candidate sites forward.

In the Inuvialuit Settlement Region the following steps were used within the terms of the Land Claim Agreement:

a. A National Park (Ivvavik) and a Territorial Park (Herschel Island) were negotiated as integral components of the Inuvialuit Final Agreement (IFA). This was a historical first for Canada.

b. The IFA also made provisions for Nationally Significant sites: Pingo Park and Nelson Head monument.

c. Two other National Parks (Aulavik and Tuktut Nogait) have been established subsequent to the signing of the IFA.

d. Existing Bird Sanctuaries were maintained within the Inuvialuit Settlement Region (ISR).

e. The IFA defined the whole of the Yukon North Slope as a conservation area and a Wildlife Conservation and Management plan has been developed for this region.

f. An umbrella Renewable Resources Conservation and Management Plan was developed for the NWT portion of the ISR.

g. Each ISR Community has developed its own Wildlife Conservation and Management Plan under the umbrella plan. These are being implemented on an ongoing basis, and include the protection priorities from the viewpoint of the Community.

Akaitcho Territory Protected Areas Strategy
A Community Based Approach
Roles and Responsibility

The goal of a community based approach protected areas strategy is to establish a network of protected areas that reflect the values, culture, historic/current use and the potential for economic opportunities within a communities land use area.

The community based approach will consist of:

Elders Advisory Committee
Community Stakeholders
Chief and Council of the DFN
NWT PAS Advisory Committee Member
Community committee/ PAS coordinator

Elders Advisory Committee (EAC)

-Review, comprehend and disseminate PAS community based approach
-Review and make recommendations to NWT PAS process/program
-The capacity of the EAC will be one of giving direction to the appropriate committee who is preparing the community PAS
-Information gathered will be on Traditional Knowledge within the community land use area
-Preliminary lands identified by community importance based upon the information gathered
-Elders have the greatest amount of influence on which lands are identified for PAS
-Make recommendations to Dene First Nations, Akaitcho Territory Government and NWT PAS Advisory Committee member

Dene First Nations Chief and Council
-Give support to the community PAS committee
-Make recommendations to community PAS committee
-Pass appropriate Band Council Resolutions (BCR) in support of the PAS
-Review PAS proposals

Community committee/ PAS coordinator
-To conduct detailed research and access information of other communities, who have already gone through the process of the proposed project
-To provide detailed reports on government process to date, program/project analysis, formulate plan details and definition of programs so it is understood by the elders committee
-To examine the feasibility of time frames of the proposed projects
-To include all stakeholders and users in the development of the PAS plan
-To develop a workplan relative to the project
-To assist in the development of an operational plan ie. 5 to 10 year projected goals of a plan
-Identify aspects of the plan that may be problematic and come up with options
-Will follow up on any recommendation that the EAC has given and get all relevant information pertaining to the subjects

-Action all direction that the EAC has given them
-Prepare an integrated resource management plan (IRMP)
-Review all NGO and other government PAS proposals

Community Stakeholders
-All interests and concerns that community stakeholders have will be voiced and taken into consideration when PAS is being discussed
-Have input into the process and submit relevant information to the process that may assist the overall integrated resource management plan (IRMP)

Non-community Stakeholders
-NGO's or other governments submitting proposals for PAS within a community or region
-Bring forth proposals to community PAS committee and Chief and Council for review
-Work in partnership with community PAS committee and Chief and Council on PAS proposals

NWT PAS Advisory Committee Member
-Bring forth PAS proposals for implementation from the region and submit them for next steps in the process
-Bring forth PAS proposals for funding for communities
-Information sharing on PAS strategies, what works and what doesn't
-Review of information from other regions and make reports to their region

Akaitcho Territory Government
-Provide supporting role for communities developing PAS
-Provides a conduit for information exchange to communities
-Lobby political support for PAS initiatives within the region

This is an outline of the roles and responsibilities that the Akaitcho Territory PAS Committees may follow when establishing a protected area. Each communities roles and responsibilities may vary but will basically follow the same format. Each community will have the ability to be flexible in setting priorities, goals and objectives when identifying, implementing and establishing protected areas within their land use area.

APPENDIX 1: PROTECTED AREAS ADVISORY COMMITTEE

The following individuals were nominated by their respective organizations to assist in the drafting of the NWT Protected Areas Strategy. This task was undertaken between June, 1998 and February, 1999.

Inuvialuit Settlement Region
Mr. Nelson Green
PAS Advisory Committee Member
Inuvialuit Game Council/Inuvialuit Regional Corporation
Box 2120
Inuvik, NT X0E 0T0
Phone: 867-777-2828
Fax: 867-777-2610

Mr. Johnny Lennie
PAS Advisory Committee Alternate
Inuvialuit Game Council/Inuvialuit Regional Corporation
Box 2120
Inuvik, NT X0E 0T0
Phone: 867-777-2828
Fax: 867-777-2610

Gwich'in Settlement Area
Mr. Ron Cruikshank
PAS Advisory Committee Member
Gwich'in Interim Land Use Planning Board
Box 2478
Inuvik, NT X0E 0T0
Phone: 867-777-3506
Fax: 867-777-2616

Sahtu Settlement Area
Ms. Ruby McDonald
PAS Advisory Committee Member
Sahtu Secretariat Incorporated
Box 155
Deline, NT X0E 0G0
Phone: 867-589-4719
Fax: 867-589-4908

Mr. Barry Hunter (as of October 16, 1998)
PAS Advisory Committee Alternate
Sahtu Land Use Planning Board
Box 235
Fort Good Hope, NT X0E 0H0
Phone: 867-598-2055
Fax: 867-598-2545

Deh Cho First Nations
Mr. Herb Norwegian
PAS Advisory Committee Member
Deh Cho First Nations
Box 89
Fort Simpson, NT X0E 0N0
Phone: 867-695-2355
Fax: 867-695-2038

Dogrib Treaty 11 Council
Mr. Ted Blondin
PAS Advisory Committee Member
Dogrib Treaty 11 Council
c/o Box 25
Rae, NT X0E 0Y0
Phone: 867-392-6381
Fax: 867-392-6389

Mr. Jim Edmundson
PAS Advisory Committee Alternate
Dogrib Treaty 11 Council
c/o Box 25
Rae, NT X0E 0Y0
Phone: 867-392-6381
Fax: 867-392-6389

Akaitcho Territory Government
Chief Fred Sangris
PAS Advisory Committee Member
c/o Akaitcho Territory Tribal Council
Great Slave Lake Office
Fort Resolution, NT X0E 0M0
Phone: 867-394-3313
Fax: 867-3943413

Chief Florence Catholique
PAS Advisory Committee Alternate
c/o Akaitcho Territory Tribal Council
Great Slave Lake Office
Fort Resolution, NT X0E 0M0
Phone: 867-394-3313
Fax: 867-3943413

Mr. Clayton Balsillie
PAS Advisory Committee Member
NWT Treaty 8 Tribal Corporation
Box 2514
Yellowknife, NT X1A 2P8
Phone: 867-873-9282
Fax: 867-669-9003

South Slave Metis Tribal Council
(SSMTC withdrew from process Nov.20/98)
Mr. Tim Heron
PAS Advisory Committee Member
South Slave Metis Tribal Council
Box 129
Fort Smith, NT X0E 0P0
Phone: 867-872-4044
Fax: 867-872-2404

Industry (Minerals/Oil and Gas)
Mr. Tom Hoefer
PAS Advisory Committee Member
Government Affairs Specialist
Diavik Diamonds Inc.
Box 2498
Yellowknife, NT X1A 2P8
Phone: 867-669-6518
Fax: 867-669-9058

Mr. Rob McManus
PAS Advisory Committee Alternate
Manager, Environment and Safety
Canadian Association of Petroleum Producers
2100 - 350 - 7th Ave. S.W.
Calgary, AB T2P 3N9
Phone: 402-367-1148
Fax: 403-267-1148

Environmental Organizations
Mr. Bill Carpenter
PAS Advisory Committee Member
Coordinator, Endangered Spaces Campaign
World Wildlife Fund - NWT
Box 1978
Yellowknife, NT X1A 2P6
Phone: 867-920-7999
Fax: 867-920-4999

Government of Canada
Mr. David Livingstone
PAS Advisory Committee Member
Director, Renewable Resources and Environment
Department of Indian Affairs and Northern Development
PO Box 1500
Yellowknife, NT X1A 2R3
Phone: 867-669-2647
Fax: 867-669-2707

Ms. Mary Tapsell
PAS Advisory Committee Alternate
Manager, Environment and Conservation
Department of Indian Affairs and Northern Development
PO Box 1500
Yellowknife, NT X1A 2R3
Phone: 867-669-2680
Fax: 867-669-2701

Government of the NWT
Mr. Robin Reilly
PAS Advisory Committee Member
Director, Parks and Tourism
Resources, Wildlife and Economic Development
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9
Phone: 867-873-7902
Fax: 867-873-0163

APPENDIX 2: PROTECTED AREAS SECRETARIAT

Mr. Ron Seale
Protected Areas Coordinator
Parks and Tourism
Resources, Wildlife and Economic Development
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9
Phone: 867-873-3179
Fax: 867-873-0163

Mr. Bert Spek
Protected Areas Strategy Advisor
Environment and Conservation
Department of Indian Affairs and Northern Development
PO Box 1500
Yellowknife, NT X1A 2R3
Phone: 867-669-2685
Fax: 867-669-2707

Ms. Claudia Kelly
Coordinator, Office and Systems
Parks and Tourism
Resources, Wildlife and Economic Development
Government of the Northwest Territories
PO Box 1320
Yellowknife, NT X1A 2L9
Phone: 867-873-7903
Fax: 867-873-0163

Ms. Michelle Culhane
Environment and Conservation
Department of Indian Affairs and Northern Development
PO Box 1500
Yellowknife, NT X1A 2R3
Phone: 867-669-2592
Fax: 867-669-2707

Mr. Jamie Bastedo
Protected Areas Consultant
Department of Indian Affairs and Northern Development
PO Box 1500
Yellowknife, NT X1A 2R3
Phone: 867-669-2592
Fax: 867-669-2707

APPENDIX 3: ACRONYMS AND DEFINITIONS

1) ACRONYMS

DIAND - Federal Department of Indian Affairs and Northern Development
GIS - Geographic Information System
GNWT - Government of the Northwest Territories
IUCN - International Union for the Conservation of Nature, now known as IUCN/The World Conservation Union
PAS - Protected Areas Strategy
RWED - Territorial Department of Resources, Wildlife and Economic Development

2) DEFINITIONS

(Note that in some cases two definitions are provided to promote understanding of complex terms. *Italics* indicate that a term is defined elsewhere in this list of definitions).

Biodiversity (Biological Diversity)
The variety and variability among living organisms from all sources including terrestrial, marine and other aquatic *ecosystems* and the ecological complexes of which they are part; this includes diversity within species, between species and of *ecosystems* (United Nations Environment Programme, 1992).

The diversity of plants, animals and other living organisms in all their forms and levels of organization, and includes the diversity of genes, species and *ecosystems*, as well as the evolutionary and functional processes that link them (Province of British Columbia, 1995).

Buffer Zone
An area of land or water adjacent to *core representative areas* that provides complementary but less restrictive land management measures than in the *core representative area*. The intent of buffer zones is to serve as a transition zone between the *core representative area* and nearby lands or waters subject to intensive development (see Supporting Document 5).

Candidate Protected Area
Areas that have undergone preliminary screening and have been accepted for further evaluation which may require *interim protection*.

Communities, Regional Organizations and/or Land Claim Bodies
"Communities" refers to the community or communities most affected by and/or closest to the *protected area*(s) under study.
"Regional organizations and/or Land Claim Bodies" refer to the appropriate regional land use planning, resource management body, or Aboriginal governments and organizations with *protected area* responsibilities. It could be a body set up as a result of land claim settlements or a body undertaking similar responsibilities in a region where a land claims agreement has not been concluded.

Conservation
The maintenance or sustainable use of the Earth's resources in a manner that maintains *ecosystem*, species and genetic diversity and the evolutionary and other processes that shaped them. Conservation may or may not involve the use of *resources*; that is, certain areas, species or populations may be excluded from human use as part of an overall landscape/waterscape conservation approach (Canadian Biodiversity Strategy, 1995).

The careful protection of *biodiversity*, the natural processes that produce it, and the techniques used to sustain it in the face of human-caused environmental disturbance (Wilson, 1992).

Conservation Biology
The discipline that treats the content of *biodiversity*, the natural processes that produce it, and the techniques used to sustain it in the face of human-caused environmental disturbance (Wilson, 1992).

Core Representative Area
An area that is part of a network of permanent *protected areas* that collectively represent all habitats, communities, species, or other natural features, and thus warrants the highest possible level of *conservation* protection.

Corridors
Linear *buffer zones* that link two or more *core representative areas* (see Supporting Document 5).

Ecological Integrity
The quality of a natural unmanaged or managed *ecosystem* in which the natural ecological processes are sustained, with genetic, species and *ecosystem* diversity assured for the future (Canadian Parks Service, 1991).

Ecoregions
Subdivisions of the ecozone characterized by distinctive large order landforms or assemblages of regional landforms, small order macro- or mesoclimates, vegetation, soils, water, and regional human activity patterns/uses (A National Ecological Framework for Canada, 1995).

Ecosystem
An integrated and stable association of living and non-living *resources* functioning within a defined physical location (A Protected Areas Strategy for British Columbia, 1993).

A dynamic complex of plants, animals and micro-organisms and their non-living environment interacting as a functional unit. The term ecosystem can describe small scale units, such as a drop of water, as well as large scale units, such as the biosphere (Canadian Biodiversity Strategy, 1995).

Ecosystem Management
The use of an ecological approach that blends social, physical, economic and biological needs and values to assure productive, healthy *ecosystems* (USDA, 1994).Integrates scientific knowledge of ecological relationships within a complex socio-political and values framework toward the general goal of protecting native *ecosystem* integrity over the long term (Grumbine, 1994).

Environmental Organizations
Refers to those groups, such as the World Wildlife Fund Canada and Canadian Parks and Wilderness
protected areas.

The right to take private property or any interest for public use and benefit for which compensation is provided.

A scientific method to identify the degree to which the *biological diversity* *ecoregions* is
protected areas, in order to help identify additional areas for protection.

Refers to either federal or territorial government institutions, Aboriginal governments established through land claim/self government negotiations, or to a secretariat charged with responsibilities

Heritage Resources
The material remains of places of past human use or occupancy. They consist of sites and artifacts

Sustainable Development Policy)

Industry

resource development companies potentially affected
protected area proposal, as well as such industry associations as the NWT Chamber of Mines

forestry companies. Industry could also refer to an agency with interests in the development of public or private infrastructure such as roads and power generation.

A consensus-based decision-making process that involves multiple *stakeholders*
assessment and evaluation of environmental, social and economic values when making land and resource management decisions.

The practices of withdrawing lands from new surface dispositions and prohibiting the issuance of new subsurface dispositions within a defined area on a temporary or interim basis (Yukon Protected

outfitting, agriculture, trapping, commercial, oil and gas exploration, coal and gravel extraction. Subsurface dispositions includes mineral claims. Interim protection can also mean seasonal

Interim Protection Measures

Legal and policy instruments which can be used to prevent the allocation of land for development while a process is underway to study or negotiate a *candidate protected area* site (Senate of Canada).

Land Withdrawal
see definition for *Interim Protection*

Natural Diversity
The naturally occurring variety of living and nonliving elements in the environment. Could be equated with "*biodiversity*" (NWT Sustainable Development Policy).

Natural Region
An area considered homogeneous on the basis of similar characteristics with respect to geological structures, landforms, soils, climate, vegetation, and wildlife (see *ecoregion*).

Network of Protected Areas
The institutional arrangements that implement the *protected areas* system and the connectivity within it (Biodiversity Science Assessment Team, 1994).

Park
In the case of a national park, this may connote protection of large parts of the Canadian landscape. It may also mean a small recreational site or road side stop. In general parks have at least one of the following management objectives: protection of environment or culture, public education and awareness, recreation, and *tourism*.

Proposed Sites
Areas proposed as possible *protected areas* by *communities, regional organizations and/or land claim bodies*, *government institutions*, non-government organizations, *industry* and the general public.

Protected Area
This Strategy endorses the broad definition used by the International Union for the Conservation of Nature (IUCN): "An area of land or sea especially dedicated to the protection and maintenance of *biological diversity*, and its associated natural and cultural *resources*, managed through legal or other effective means."

Protected Areas System Plans
These are systematic and comprehensive evaluations of *protected areas* from a national perspective. As a whole they are tools which relate *protected areas* to national *conservation* objectives, social and economic development, the needs of modern society and the health of the rural landscape (Guidelines for Preparing Protected Area System Plans, 1991).

Protection
A way of setting aside land and water areas to safeguard special natural features or processes for the future. This term can apply to: 1) important ecological and cultural values (e.g. through a *protected*

area), as well as 2) promising *resource* use opportunities held in safe-keeping until economic or political conditions are most suitable for development (e.g. through some kind of economic reserve).

Regional Resource Management Bodies
Under the various settled comprehensive land claims, regional bodies have been established with specified authorities and responsibilities relating to management of natural resources including land.

Resource
Something that is, or is potentially, useful to people or other organisms, such as food, fuel, property, forests, minerals, money (Aird, 1994).

Resource Development
Those activities including the exploration, construction and operational phases of non-renewable resource extraction, and commercial renewable resource use activities, plus supporting activities (NWT Sustainable Development Policy).

Resource Industry
An industry based on the primary *resources* obtained from agriculture, fisheries, forestry or mining.

Resource Potential Assessment
The evaluation of possible underground deposits of mineral and petroleum resources.

Site Evaluation
The process if combining information on an area of land or water to determine its relative appropriateness as a *protected area*.

Stakeholders
Groups of people who have a stake in the outcome of an issue or a decision; i.e. they will somehow affect or be affected by it. Stakeholders can be environmental and other non-governmental organizations, *industry*, members of the general public, etc, depending on the issue.

Sustainable Development
A way of managing natural resources and the environment so that economic, social and cultural needs are met while maintaining ecological processes and *natural diversity* (NWT Sustainable Development Policy).

Tourism
The promotion or encouragement of tourist activities. This includes the practise of eco-tourism, which involves the interaction of people with high quality natural or cultural areas, both inside and outside *protected areas*.

Traditional Knowledge

Knowledge and values which have been acquired through experience, observation, from the land or

to the Report of the Traditional Knowledge Working Group, 1993).

Transboundary

territorial, provincial or national boundaries, thereby affecting adjacent jurisdictions.

Wilderness

remain virtually undisturbed by such activity. Wilderness is a place where neither the permanent addition of artificial objects, nor the removal of natural objects shall result from human use

For information on protected areas in the Northwest Territories contact:

Director
Parks and Tourism
Department of Resources, Wildlife and Economic Development
Government of the Northwest Territories
Box 1320
Yellowknife NT, X1A 2L9

email: pas_nwt@gov.nt.ca
Website: www.gov.nt.ca/RWED/pas/index.htm

EDITION 1